



ITEM FOR ENVIRONMENTAL BOARD AGENDA

**BOARD MEETING
DATE REQUESTED:**

JUNE 15, 2011

**NAME & NUMBER
OF PROJECT:**

SENNA HILLS SECTION 10
C8J-92-0080.07.1B(R1)

**NAME OF APPLICANT
OR ORGANIZATION:**

Axiom Engineers
(CONTACT: ALAN D RHAMES, PE 506-9335)

LOCATION:

SENNA HILLS DR

PROJECT FILING DATE:

January 21, 2011

**WPDR/ENVIRONMENTAL
STAFF:**

JEB BROWN, 974-2709
JEB.BROWN@CI.AUSTIN.TX.US

**WPDR/
CASE MANAGER:**

JENNIFER GROODY, 974-6361
JENNIFER.GROODY@CI.AUSTIN.TX.US

WATERSHED:

LAKE AUSTIN (WATER SUPPLY RURAL) DRINKING WATER
PROTECTION ZONE

ORDINANCE:

LAKE AUSTIN WATERSHED ORDINANCE #840301-G

REQUEST:

VARIANCE REQUEST IS AS FOLLOWS:
1. TO ALLOW FILL UP TO A MAXIMUM OF 13.0 FEET
(ORDINANCE NUMBER: 840301-G), SECTION 13-3-651

STAFF RECOMMENDATION: RECOMMENDED WITH CONDITIONS.

**REASONS FOR
RECOMMENDATION:**

FINDINGS OF FACT HAVE BEEN MET.



MEMORANDUM

TO: Betty Baker, Chairperson
Members of the Zoning and Platting Commission

FROM: Jeb Brown, Senior Environmental Reviewer
Watershed Protection and Development Review Department

DATE: June 15, 2011

SUBJECT: Senna Hills Section 10(C8J-92-0080.07.1B(R1)
FM 2244(Bee Caves) and Senna Hills.

Variance Request: Variance under Section 13-3-604 of Ordinance #840301-G (attached) from Section 13-3-651(Cut and Fill) for C8-92-0080.071B(R1) (the Subdivision Construction Plan) to allow fill up to a maximum of 13 feet.

The applicant constructed a retaining wall on seven consecutive single family lots which was not on the approved subdivision construction plan. The retaining wall is approximately 613 feet long and an average of 10 foot high and was constructed to address the topographic and safety challenges of the land.

Description of Project Area

This 10.594 acre site (gross site area) is situated in Travis County, in the COA 2-mile ETJ. The site is in the Drinking Water Protection Zone and located within the Commons Ford Watershed, which is classified as Water Supply Rural. The site is bounded by Senna Hills Dr on the South side and an unnamed secondary wastewater treatment access/maintenance road on the West Side. The entire subdivision either has been developed with houses or has vacant lots prepared for future construction. Allowable impervious cover totals equal requirements set by the Lake Austin Watershed Ordinance and the COA Zoning & Platting Commission variance issued on November 7, 2006 for the site plan. Topographically, the site slopes from a central Southern high point of approximately 910 feet to a low point of about 845 feet in a North East vector.

Vegetation

The site vegetation consists of: Bermuda grass as sod, planted Plateau Live oaks, Texas oaks, Common Vetch, Common Dandelion, Purple Prairie Verbena, Western Ragweed and Black Eyed Susan. The average tree heights are 20 feet tall and 8 inches in diameter. The geology at this site is characterized by thin clay soils covering weathered limestone.

Critical Environmental Features/Endangered Species

There are no critical environmental features onsite; however, there is a designated environmental feature of interest on site. The rock feature has a seasonal seep located at the head of the canyon in greenbelt Lot 122. This feature is identified on the preliminary plan and is required to have a 25 foot building setback on the uphill side. The setback was established as a condition to three variances originally granted (November 7, 2006) for this subdivision construction plan. This feature is at a minimum 150' away from the constructed retaining wall.

Water/Wastewater

The project lies within and will receive water and wastewater service from the Senna Hills Municipal Utility District. Water and wastewater service will be provided by the Senna Hills Municipal Utility District. The Senna Hills MUD has executed a consent agreement with the City of Austin and is therefore subject to full water and wastewater review. Wastewater generated from Section 10, as well as Section 11 and future Section 9 will drain via gravity to the Senna Hills Section 11 Lift Station. The flow from the Section 11 Lift Station will discharge into an existing wastewater manhole located in the intersection of Senna Hills Drive and Ravina Drive.

Variance Requests

On May 16, 2011, the applicant requested a variance to Ordinance #810430-C, Section 13-3-651 (Cut and Fill) to approve a retaining wall previously constructed. The variances being requested by this project are as follows:

Variance from Ordinance #810430-C, Section 13-3-651 to allow fill up to a maximum of 13 feet.

Recommendations

Staff recommends granting the variance request because the findings of fact have been met. The applicant has proposed extensive revegetation and erosion controls for the fill.

Conditions

Staff recommends granting the variance with the following conditions:

- (1) Build the last two homes impacted by the wall to the Bronze level of the Green Building Program.
- (2) Plant fourteen 3" caliper trees within Rivina Drive (there were seven lots impacted by the retaining wall – two trees per lot).
- (3) The applicant will limit fill to 13 feet.
- (4) Develop and implement an Integrated Pest Management plan for the remaining six lots to be sold.

Similar Cases

The following projects in Water Supply Rural had variance requests from LDC 25-8-341/342 that were approved by the EV Board, and subsequently the Zoning and Platting or Planning Commission.

Bull Dog Storage (SP-2007-0673D) requested a variance from LDC 25-8-342 for fill up to 12 feet. The EV Board recommended approval on September 17, 2008 by a vote of 4-0-2-0, with the following conditions:

Staff conditions:

1. Only clean fill of soil, dirt, rock, sand or other natural man-made materials are to be used as fill on the site.
2. Submittal and City approval of a Pollution Attenuation Plan for the site must be obtained prior to the site approval.
3. All trees over 8 caliper inches will be mitigated for and replaced with Class I native trees.
4. All fill over four feet will be structurally contained.

Munson Park Commercial Project (SP-2008-0088D) requested a variance from LDC 25-8-341/342 for cut/fill in excess of four feet. The EV Board recommended approval on September 17, 2008 by a vote of 4-0-0-2, with no conditions.

If you have any questions or need additional information, please feel free to contact me at 974-2709.

Jeb Brown, Senior Environmental Reviewer
Planning and Development Review

Environmental Program Coordinator: 
Ingrid McDonald

Environmental Policy Program Manager: 
Jean Drew



**Watershed Protection and Development Review Department
Staff Recommendations Concerning Required Findings
Water Quality Variances**

Application Name: Senna Hills Section 10
Application Case No: C8J-92-0080.07.1B(R)
Code Reference: Lake Austin Watershed Ordinance, Section 13-3-651
Variance Request: To allow a fill not to exceed 13 ft for a retaining Wall.

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly timed development? **YES**
Other lots in this subdivision have been allowed use of this method of slope stabilization.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? **YES**
The retaining wall construction was done at the minimum amount to allow use of the backyard.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. **YES**
Bull Dog Storage (SP-2007-0673D) (up to 12 foot of fill with conditions) and Munson Park Commercial Project (SP-2008-0088D) (greater than 4 foot of fill, no conditions), were both granted fill variances in the Water Supply Rural Watershed.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the property? **NOT APPLICABLE**
No development is proposed in the CWQZ and/or WQTZ.

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance?
NOT APPLICABLE

No variances for this section are proposed within the Barton Springs Zone.

Reviewer Name: Jeb Brown

Reviewer Signature: 

Date:

6-3-11

Staff may recommend approval of a variance after answering all applicable determinations in the affirmative (YES).



APPENDIX U
FINDINGS OF FACT

Administrative Variances – Findings of Fact

Project: Senna Hills Section 10 - C8J-92-0080.07.1B(R1)

Ordinance Standard: Lake Austin Watershed Ordinance Section 13-3-651 – Cut and Fill

JUSTIFICATION:

1. Are there special circumstances applicable to the property involved where strict application deprives such property owner of privileges or safety enjoyed by other similarly timed development? **YES**

This subdivision is constructed in an area with significant severe topography. Retaining walls were constructed in order provide a reasonably usable back yard for each home. Retaining walls constructed for the purpose of leveling yards are common throughout the Senna Hills Subdivision and other subdivisions in the area.

2. Does the project demonstrate minimum departures from the terms of the ordinance necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences? **YES**

The retaining wall was constructed at the minimum necessary to provide a reasonably usable back yard.

3. The proposal does not provide special privileges not enjoyed by other similarly situated properties with similarly timed development, and is not based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivided land. **YES**

The owner of the property will not enjoy any special privileges not enjoyed by other, similar properties. Landscape and terracing walls are used for the purpose of leveling yards are common throughout the Senna Hills Subdivision and other subdivisions in the area.

4. For a variance from the requirements for development within the Critical Water Quality Zone and/or Water Quality Transition Zone: Does the application of restrictions leave the property owner without any reasonable, economic use of the property? **NOT APPLICABLE**

No development is proposed in the CWQZ and/or WQTZ.

5. For variances in the Barton Springs Zone, in addition to the above findings, the following additional finding must be included: Does the proposal demonstrate water quality equal to or better than would have resulted had development proceeded without the variance? **NOT APPLICABLE**

No variances for this section are proposed within the Barton Springs Zone.



GRAVES DOUGHERTY HEARON & MOODY

A PROFESSIONAL CORPORATION

Peter J. Cesaro
512.480.5728
512.536.9928 (fax)
pcesaro@gdhm.com

MAILING ADDRESS:
P.O. Box 98
Austin, TX 78787

May 16, 2011

Mr. George Zapalac
City of Austin
One Texas Center
505 Barton Springs, 4th Floor
Austin, TX 78704

Via Hand Delivery

Re: Variance Request under Section 13-3-604 of the Lake Austin Watershed Ordinance ("LAWO") from Section 13-3-651 (Cut and Fill) for C8-92-0080.071B(R1) (the "Site Plan Permit")

Dear George:

As you know, we are attorneys representing Taylor Morrison of Texas, Inc. ("Taylor Morrison"), which is the owner of the property covered by the above-referenced Site Plan Permit. On behalf of our client, this letter is to renew the variance request under Section 13-3-604 of the LAWOW from Section 13-3-651 (Cut and Fill) requirements. Section 13-3-651 states that "no fill on any lot shall exceed a maximum of four (4) feet of depth except as approved by the Director of Public Works Department."

As stated on the plans for construction in Senna Hills, Section 10, Block D, Lots 63-91, this project is subject to the LAWOW and exempt from Chapter 25-8 of the Land Development Code. In fact, the 1992 Preliminary Plan explicitly states that, and is consistent with State law, "this project has been and will be designed to meet or exceed the requirements of the 'Barton Creek Watershed Ordinance' #810430-C and the 'Lake Austin Watershed' Ordinance #840301-G." Therefore, the variance request and procedure should be conducted under LAWOW (as stated in Alan Rhames letter dated January 21, 2011). As you know, Section 13-3-604 of the LAWOW allows the Planning Commission to grant a variance because of "special circumstances applicable to the property involved... [and] a strict application deprives such property of privileges or safety enjoyed by other similarly situated property with similarly timed development."

When Taylor Morrison began constructing the single family housing project, they also built infrastructure, such as a road and the retaining wall that is the subject of this request. The retaining wall addressed the severe topographic and safety challenges encountered on the lots. Unfortunately, the owner did not obtain prior approvals before constructing the retaining wall.

A City of Austin inspector cited and red tagged the homes on Rivina under construction because Taylor Morrison had constructed a retaining wall on the rear of seven lots without proper government approvals. When Taylor Morrison attempted to obtain City of Austin permits, a City of Austin representative told the Taylor Morrison representative that no city permit was needed since the property was in Austin's ETJ and they only needed a permit from Travis County. Taylor Morrison then obtained a Subdivision Development Permit from Travis County for this retaining wall. After obtaining the Travis County permit, Taylor Morrison attempted to release the "holds" placed on the homes under construction, only to learn they could not because there was no variance from the cut and fill and steep slope construction requirements.

Under the LAWO Section 13-3-604, a variance may be granted if "a strict application deprives the property of privileges or safety enjoyed by other similarly situated property." As you know, other lots in the subdivision have constructed these retaining walls to address the topographic and safety challenges of the land. The retaining wall enables safe enjoyment of the property because it somewhat levels the topography in the backyards. As indicated by the Travis County approval, there is no issue with the design and workmanship of the wall. Finally, it would "create harmful environmental consequences" if the retaining wall was removed because the severe slopes in the backyards would be restored. Taylor Morrison is requesting a variance from LAWO Section 13-3-651 because the strict application of the cut and fill requirement would deprive the property of privileges other properties enjoy and it would create a hazardous situation.

There are concerns that the wall was finished before any city variance obtained. While this is not an ideal situation, or practice of Taylor Morrison, they are proposing to take the following steps to mitigate the effects of the retaining wall:

1. Build the last two homes on Rivina (homes impacted by the wall) to the Bronze level of the Green Building Program. There are only two remaining homes on Rivina to be constructed and these can be built in accordance with the Green Building Program.
2. Plant fourteen 3" caliper trees within Rivina (there were seven lots impacted by the retaining wall – 2 trees per lot).
3. Enter into an Integrated Pest Management covenant for the remaining six lots to be sold.

As you would expect, the owner expressly retains all rights it may have under local, state or federal law, including without limitation, its rights under the applicable provisions Chapter 245 of the Texas Local Government Code. Chapter 245 expressly provides the rules in effect when the first application for a project is filed apply to all permits required to continue and complete the project.

Mr. George Zapalac
May 16, 2011
Page 3

At this point, we believe that removal of the wall would create more environmental harm, than leaving it in place. The applicant made a mistake and files its variance request with an apology and a willingness to step-up and mitigate.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter J. Cesaro". The signature is fluid and cursive, with the first name "Peter" and last name "Cesaro" clearly distinguishable.

Peter J. Cesaro

Cc: Ingrid McDonald
Jeb Brown
Mickey Sanders

Via Hand Delivery
Via Hand Delivery
Via Email

Senna Hills Section 10
Senna Hills Dr
C8J-92-0080.07.1B (R1)



Senna Hills Section 10
Senna Hills Dr
C8J-92-0080.07.1B (R1)

Approximate
project location



Senna Hills Section 10
Senna Hills Dr
C8J-92-0080.07.1B (R1)

Approximate
Project Location



Senna Hills Section 10
C8J-92-0080.07.1B(R1)
Driving Directions

Beginning at 505 Barton Springs Road:

Go west on South 1st Street
Turn Left (South) on Ben White
Turn Right (West) on Bee Caves Rd. (FM 2244)
Turn Right (NorthEast) on Sienna Hills Dr
Turn Left (North) on Rivina Dr

NOTE:

The LOC for this proposed project is located on the north east side of the Rivina drive turnaround.

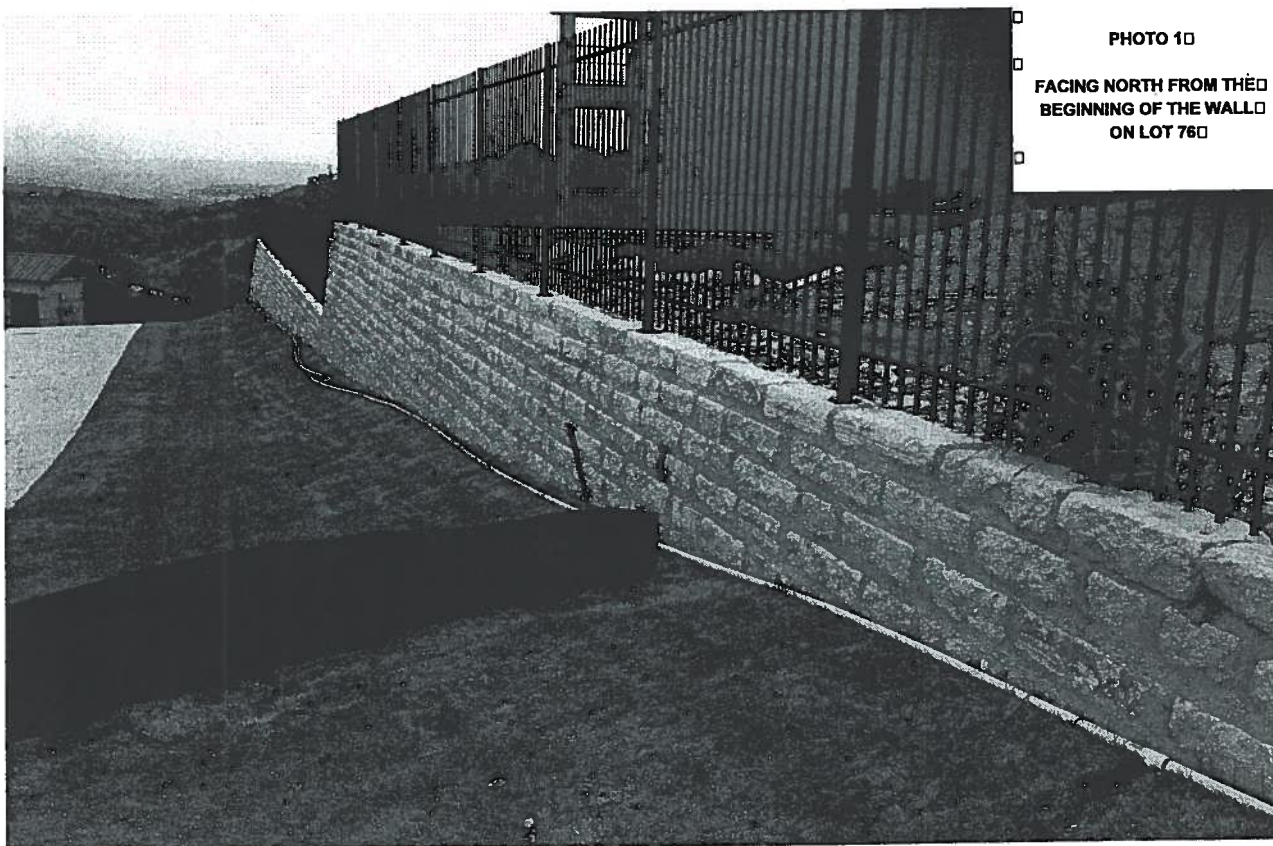


PHOTO 1
FACING NORTH FROM THE
BEGINNING OF THE WALL
ON LOT 76

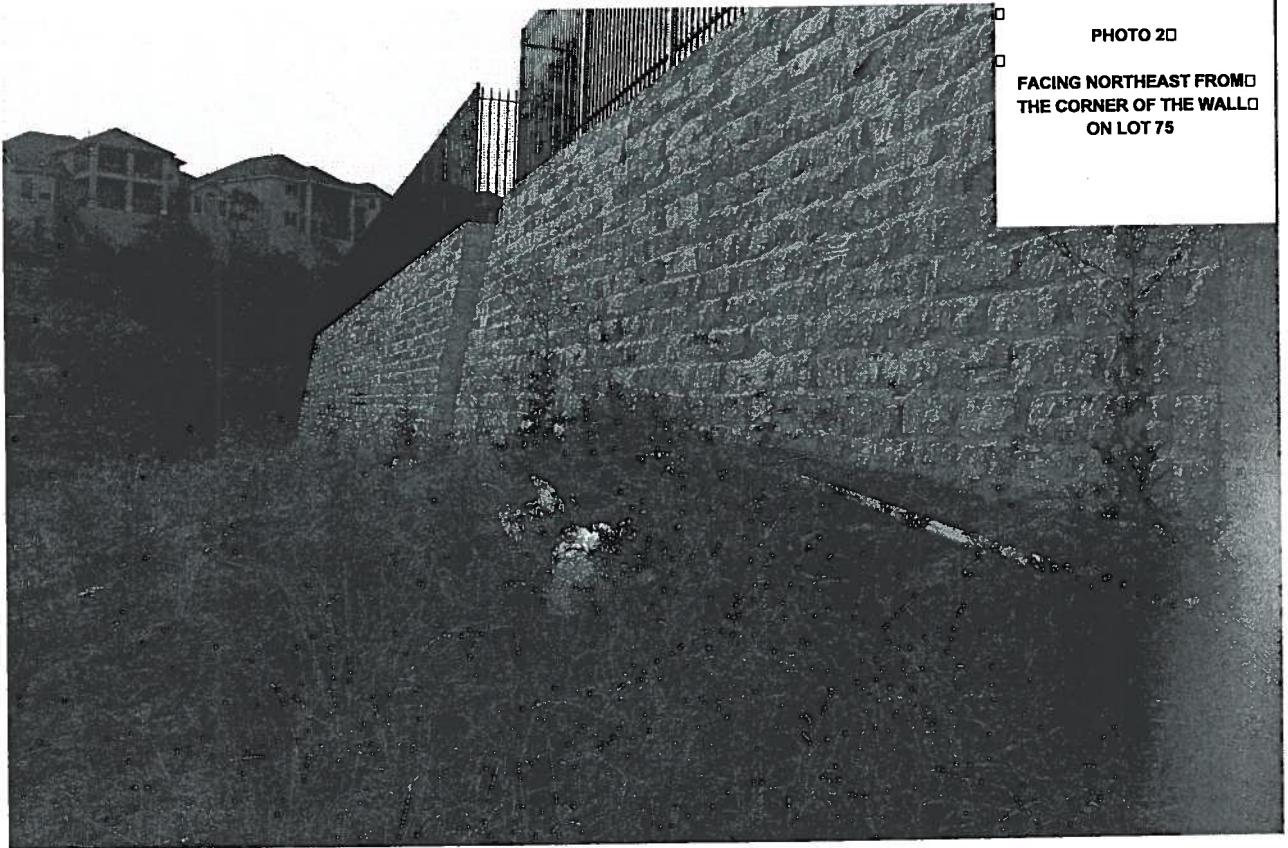


PHOTO 20

FACING NORTHEAST FROM
THE CORNER OF THE WALL
ON LOT 75

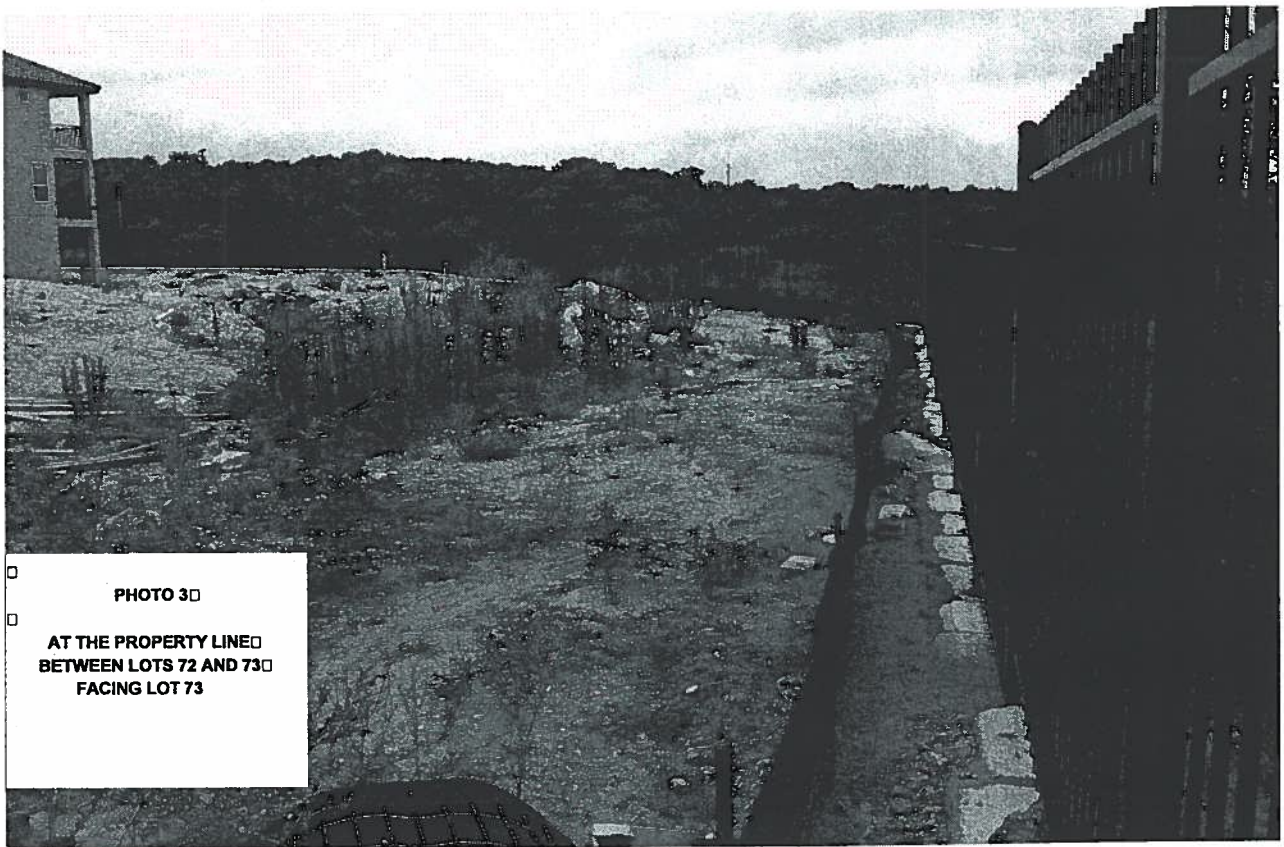
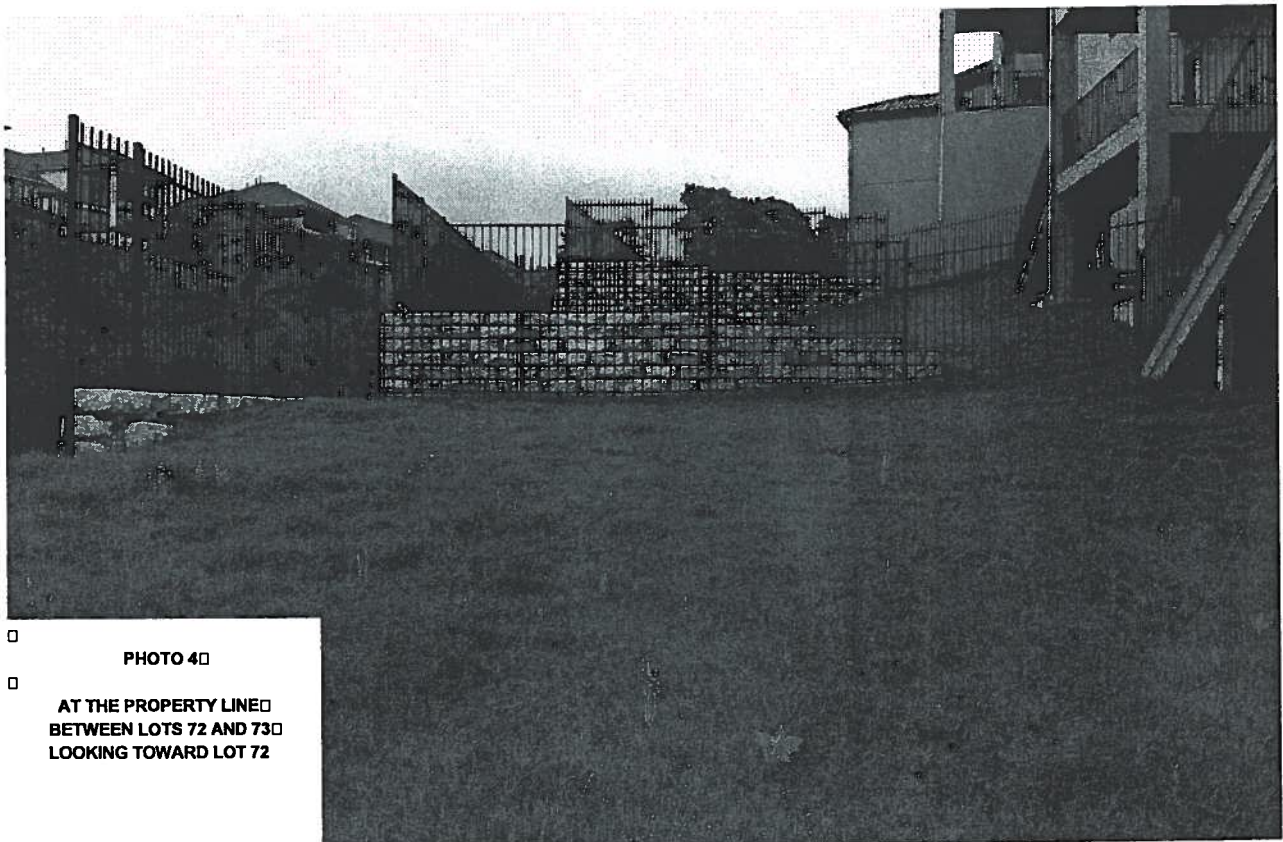


PHOTO 3
AT THE PROPERTY LINE
BETWEEN LOTS 72 AND 73
FACING LOT 73



□
□
PHOTO 4
AT THE PROPERTY LINE
BETWEEN LOTS 72 AND 73
LOOKING TOWARD LOT 72

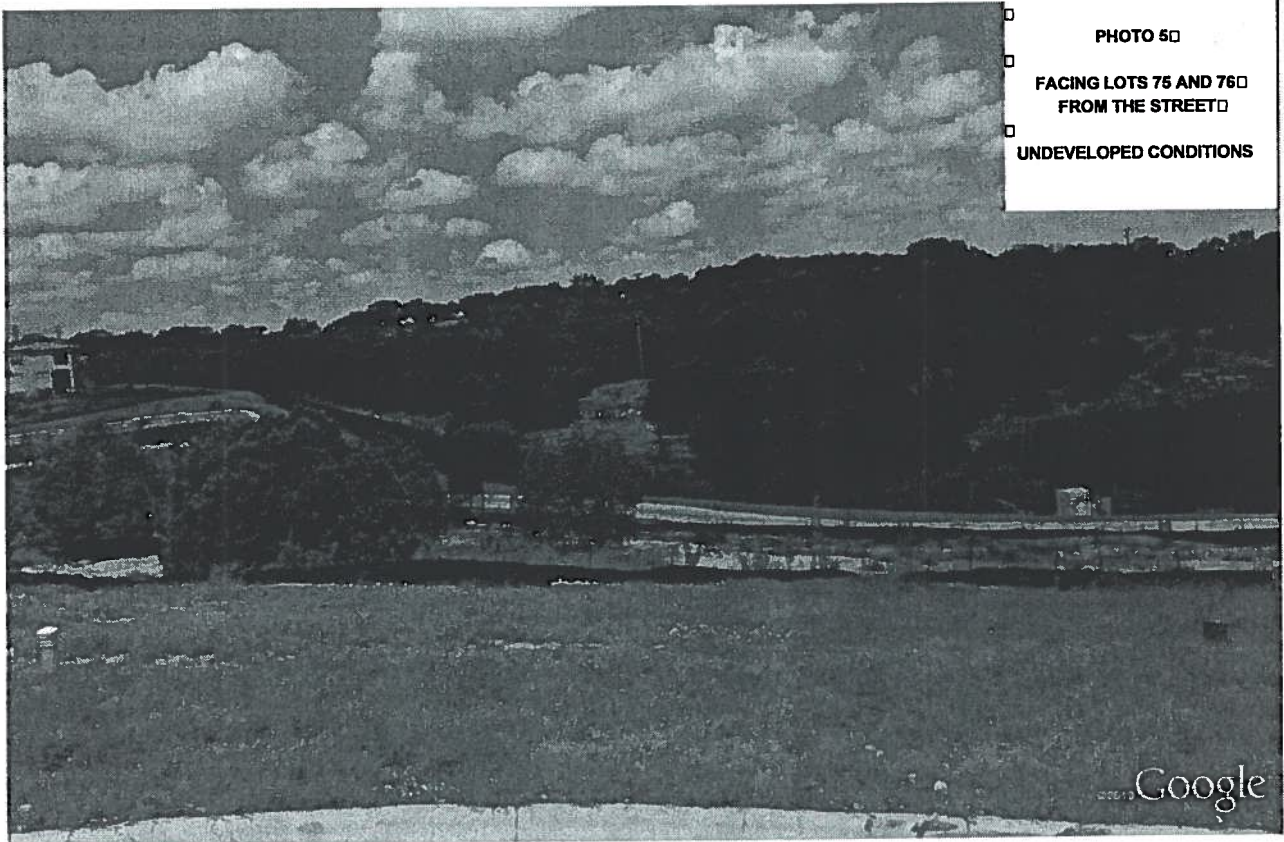
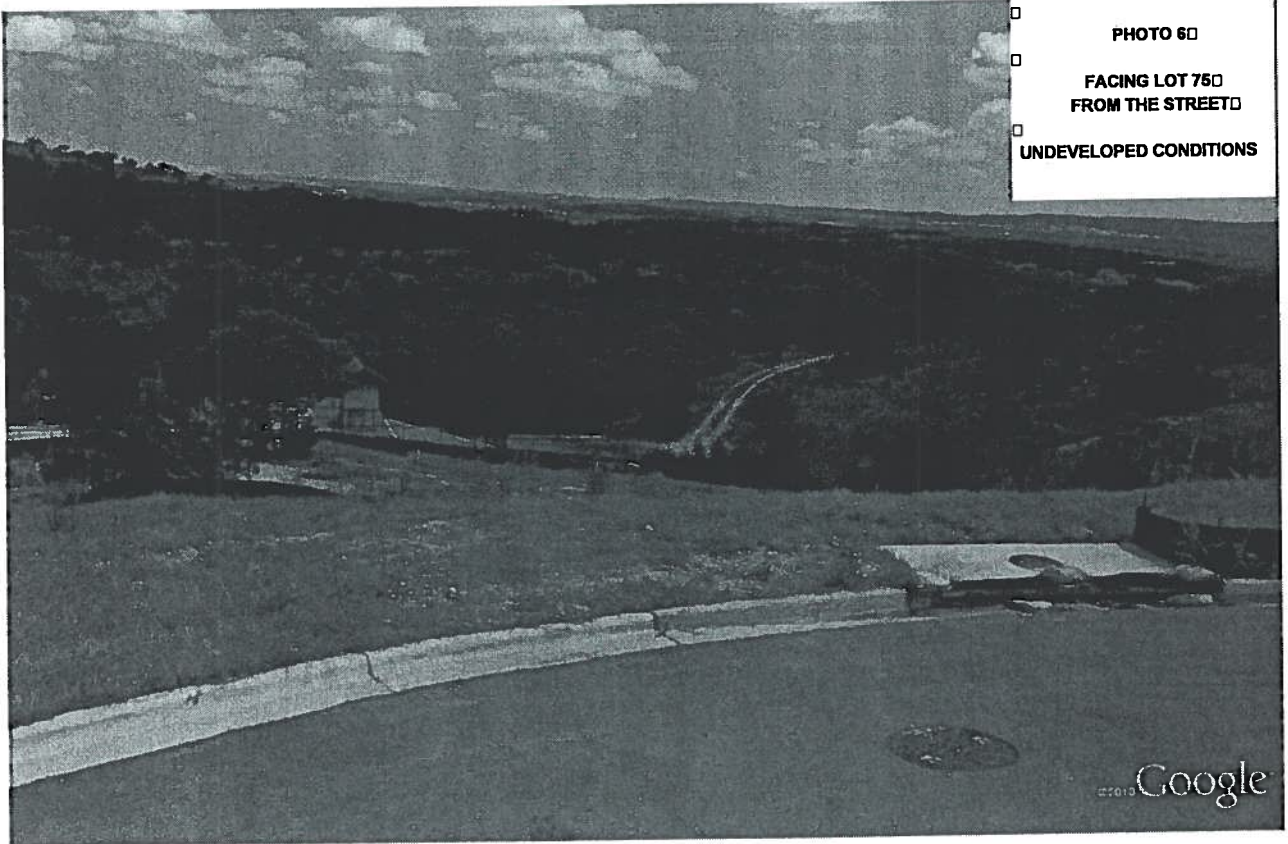


PHOTO 5
FACING LOTS 75 AND 76
FROM THE STREET
UNDEVELOPED CONDITIONS



□ PHOTO 60
□ FACING LOT 750
□ FROM THE STREET
□ UNDEVELOPED CONDITIONS

© 2010 Google

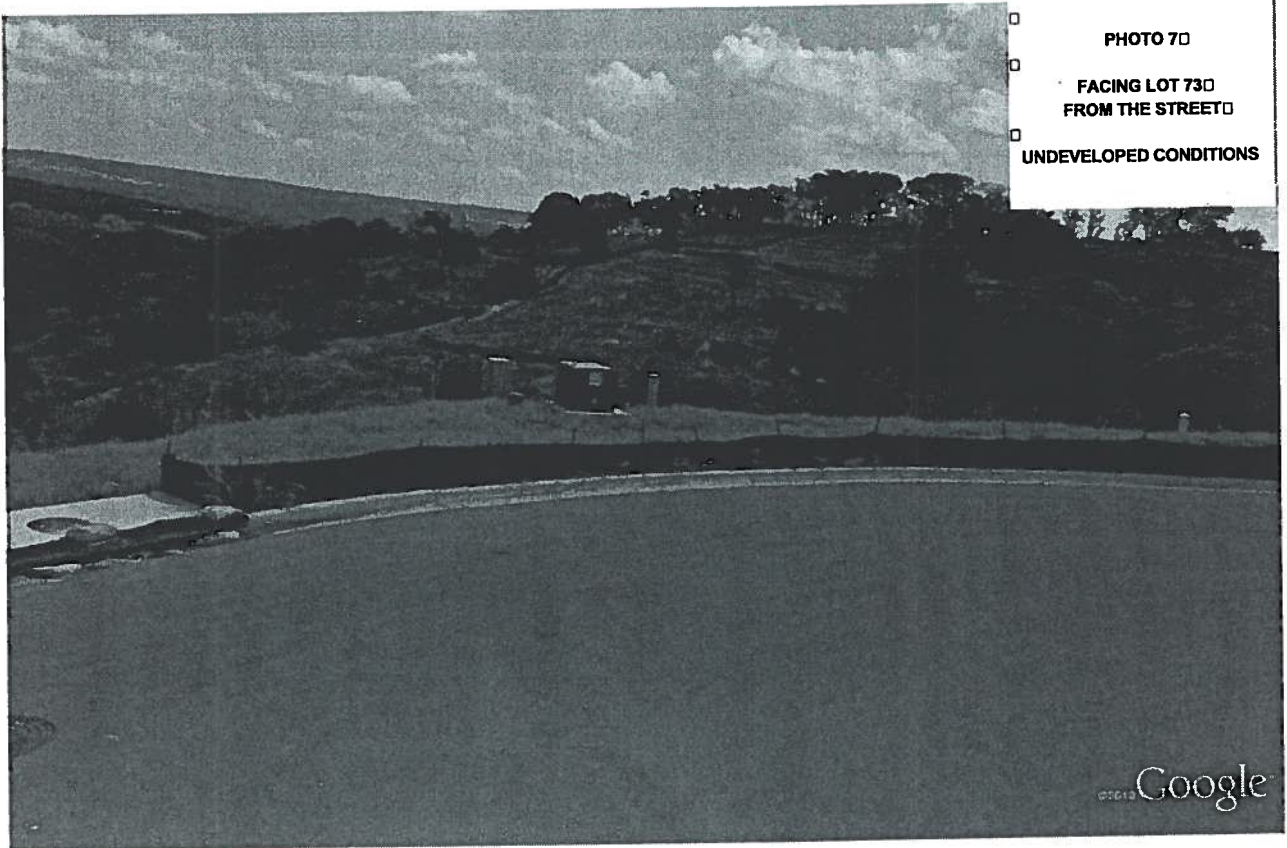


PHOTO 70

FACING LOT 730
FROM THE STREET

UNDEVELOPED CONDITIONS

©2012 Google

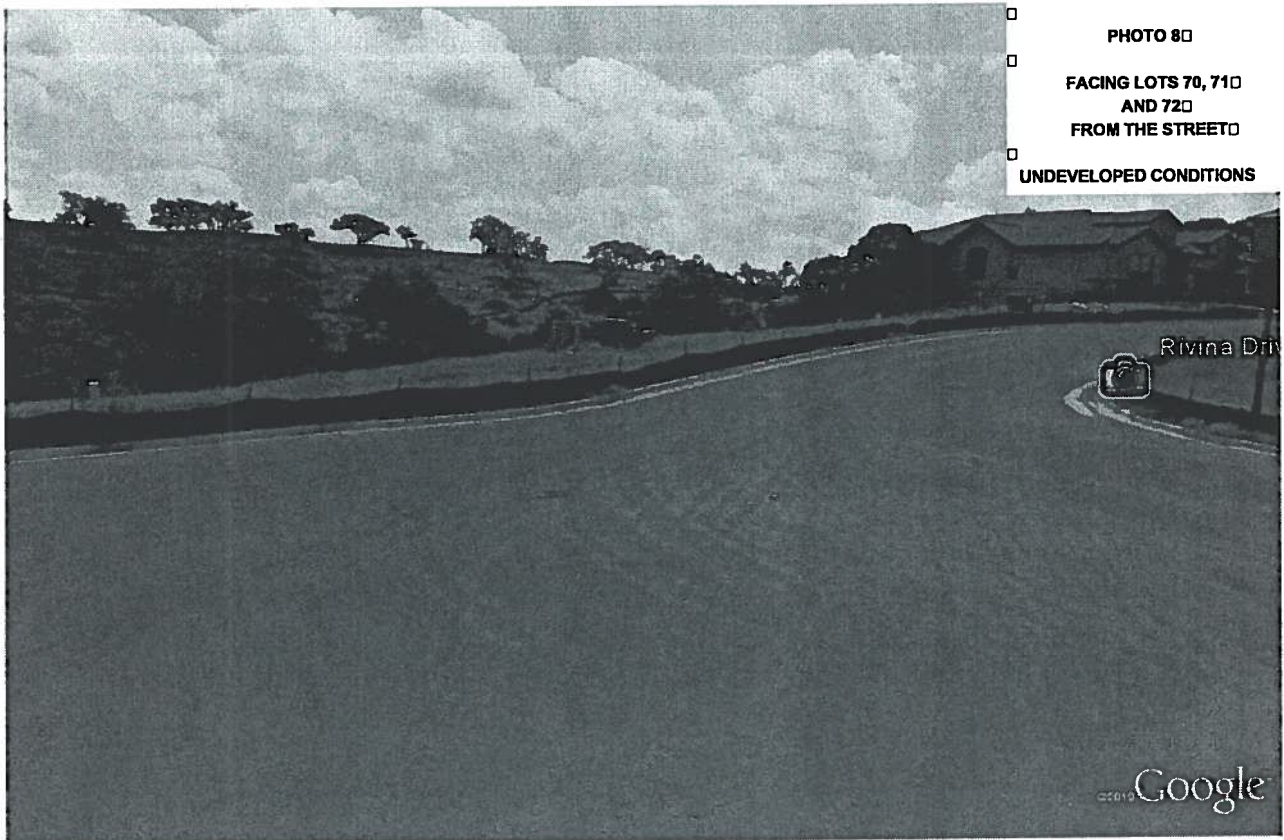


PHOTO 80
FACING LOTS 70, 710
AND 720
FROM THE STREET0
UNDEVELOPED CONDITIONS



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**WATERSHED
PROTECTION**

Education

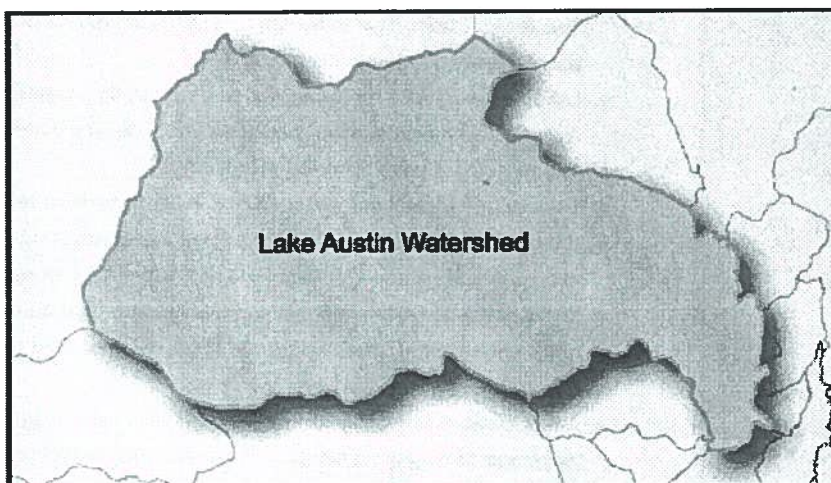
Flood

Erosion

Master Plan

Water Quality

Austin's Watersheds



[Fast Facts](#)

[Photo Gallery](#)

[Environmental Creek Assessments](#)

[Hydrilla | Lake Austin Update](#)

Fast Facts

Population	2000: 23,303	
	2030 78,558	
Creek Length	26 miles	
Drainage Area	24 square miles	
Drains To	The Gulf of Mexico	
Well Known Sites	Steiner Ranch Elementary School, Bridge Point Elementary School, Commons Ford Ranch Park, Emma Long Park, Steiner Ranch	
Land Use	Residential	14%
	Business	1%
	Civic	1%
	Parks	23%

Roadways	5%
Undeveloped	52%

Watershed Facts

- Lake Austin is a 1600 acre lake formed by Tom Miller Dam on the Colorado River. The lake stays at a constant level with an operating level of 492.8 feet above sea level.
- The primary Inflow to Lake Austin comes from deep water releases from Lake Travis.
- Flow is controlled by the Lower Colorado River Authority (LCRA), which uses the water to produce electricity and provide irrigation for rice farmers downstream.
- Lake Austin is the sixth in a chain of seven lakes known as the Highland Lakes. First dam (Austin Dam) was built in 1893 and destroyed in a major flood in 1900. A second partially constructed dam was destroyed by flooding in 1935. The present dam, Tom Miller Dam, was completed in 1939, with a hydroelectric power plant coming on line in 1940.
- Lake Austin is used for public and private drinking water, flood and irrigation water conveyance, hydropower generation, as well as recreation
- The last major flood occurred in July 2002.
- Lake temperatures range from 52 °F to 80 °F with an average of 65°F
- Clear, clean water and proximity to the City of Austin makes this lake a popular recreation destination for water skiing, fishing and swimming.
- In response to citizen complaints, investigators find an average of 22 pollution spills each year in Lake Austin; the most common spill type is sediment, followed by petroleum, then sewage.
- Lake Austin is an excellent large-mouth bass fishery due to the substantial coverage of aquatic vegetation (including the invasive exotic plant Hydrilla; see www.cityofaustin.org/watershed/hydrilla.htm).
- Efforts such as lake drawdowns and recent introduction of sterile Asian grass carp have shown some promise in controlling the hydrilla infestation.
- The City of Austin monitors six tributaries within the Immediate Lake Austin watershed (below Mansfield Dam) to keep track of local influences on this reservoir.

[Return to Top](#)

Creek Assessments

Environmental

Index	Score	Category	Notes
Overall Score	82	Very Good	Lake Austin ranks 2 out of 46 watersheds in overall quality
Water Chemistry	67	Good	Water quality is above average, ammonia is high

Sediment Quality	89	Excellent	PAHs are very low, herbicides/pesticides are very low, metals are very low
Recreation	94	Excellent	During dry weather conditions, bacteria is not a threat
Aesthetics	91	Excellent	Litter is not a problem, no odor
Habitat	76	Very Good	Some sediment deposition
Aquatic Life	73	Good	Benthic macroinvertebrate community is good, diatom community is excellent

- The Lake Austin tributaries are characterized by high gradient Hill Country streams common on the Edwards Plateau with varying levels of development but generally healthy riparian corridors.

[Learn More](#)

Photo Gallery



Lake Austin at 360 bridge



Lake Austin



Lake Austin at Mt Bonnell



Lake Austin at FM 2222

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Contact Us: Send Email or 512-974-2550.

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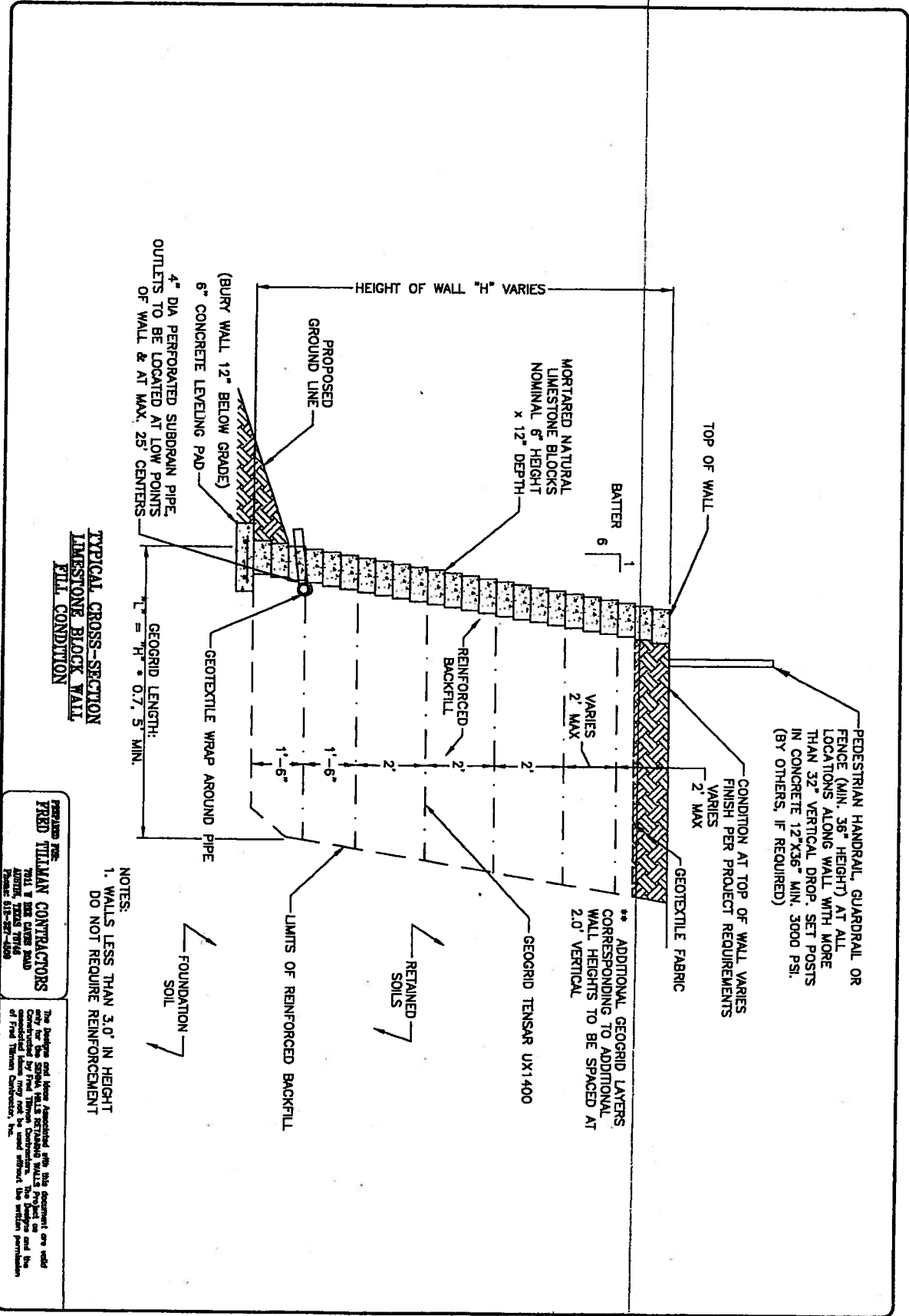
P.O. Box 1088, Austin, TX 78767 (512) 974-2000

EXHIBITS

Senna Hills Section 10/ C8J-92-0080.07.1B(R1)

Please find attached exhibits:

- 1. Fill Exhibit**
- 2. Overall Aerial Exhibit**
- 3. Engineer Concurrence Letter**
- 4. Travis County Retaining Wall Construction Permits (By Lot Number)**
- 5. Copy of Active Site Plan Cover, with Approved Variances**
- 6. Ordinance No. 840301-G**



TYPICAL CROSS-SECTION
LIMESTONE BLOCK WALL
FILL CONDITION

NOTES:
1. WALLS LESS THAN 3.0' IN HEIGHT DO NOT REQUIRE REINFORCEMENT

PREPARED FOR:
FRED TILLMAN CONTRACTORS
1111 N. 28TH STREET
AUSTIN, TEXAS 78744
Phone: 512-357-4500

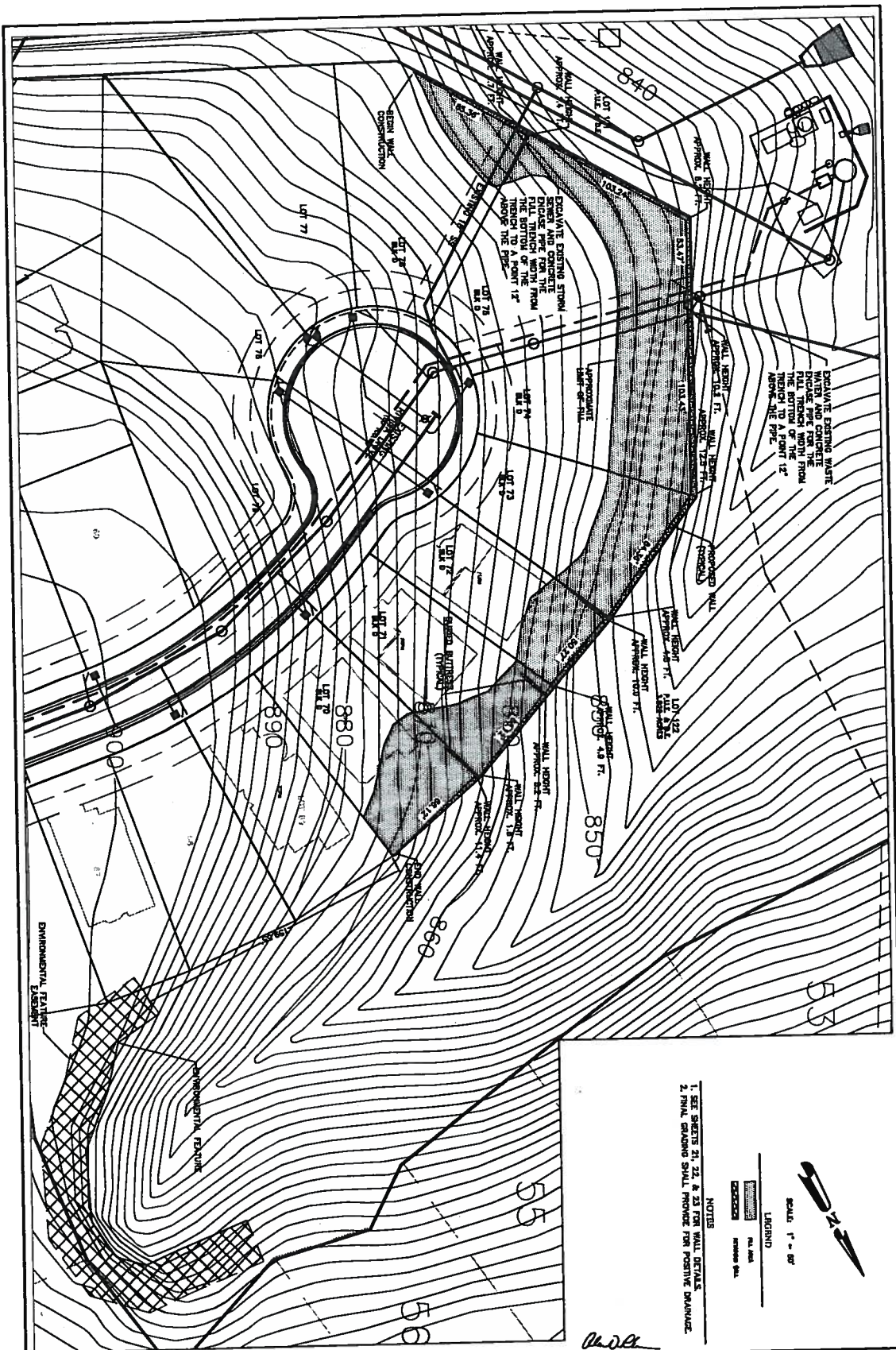
The Designer and User Associated with this document are not responsible for the use of the information contained herein for any purpose other than that intended by the Designer and User. The Designer and User assume all liability for the use of the information contained herein.

Scale: NOT TO SCALE
Date: 02/24/10
Drawn by: JT
Project No.: 081001

CEG SOLUTIONS
TOLL FREE 800-368-3688
AUSTIN, TEXAS 78746
Phone: 512-445-0786
www.geosolutionsinc.com
Reg. Reg. Firm #7-4188

SENNA HILLS
RETAINING WALLS
TYPICAL CROSS-SECTIONS

REVISIONS



SENNA HILLS
SECTION 10
WALL LAYOUT AND FILL PLAN

AXIOM
Engineering

13276 Research Blvd Ste 700
Austin, Texas 78750
Ph: (512) 506-9355
Fax: (512) 506-9377
www.axiomas.com
Texas P.E. Firm No. F-43

NOTES

1. SEE SHEETS 21, 22, & 23 FOR WALL DETAILS.

2. FINAL GRADING SHALL PROVIDE FOR POSITIVE DRAINAGE.

LEGEND

WALL WALL

REINFORCED WALL

SCALE: 1" = 50'

DATE **REVISION** **APP'D**

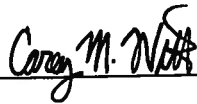
Date: May 31, 2011
Project Name: Senna Hills Section 10 Retaining Walls
Address: Lots 70 through 76
Senna Hills Section 10
Austin, Texas 78746
Original Subdivision
Permit No: C8J-92-0080.07.1B

On April 1, 2011, I the undersigned professional engineer, made a final visual inspection of the above referenced project. I also have visited the site during construction and observed the retaining walls, geogrid, backfill and associated were constructed per the construction plans prepared by my office with insignificant deviation. I therefore verify the adequate completion of the following items:

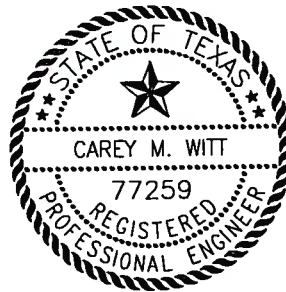
Retaining walls, geogrid, backfill, and all associated wall and backfill improvements.

Signature

By:



Carey W. Witt, P.E.
GeoSolutions, Inc.
TBPE Firm No. F-4159





NOTICE OF CLASS "A"
TRAVIS COUNTY BASIC DEVELOPMENT PERMIT

This Permit No 10-1632 is issued on 12/27/2010 and is effective immediately.

This Permit is Issued to TAYLOR MORRISON
and is not transferrable.

This Permit authorizes the permittee to construct development in accordance with the requirements of Travis County Flood Plain Management Regulation on the following described property

LOT 70 BLOCK D SENNA HILLS SEC 10
2300 RIVINA DR
Non-Residential RETAINING WALL

The permittee applied in Travis County for a basic development permit on the above described location. The application has been reviewed and it has been determined that the construction and improvements will not be in the 100 year flood plain and elevation certificate completion is not required by Travis County.

*

This permit shall be posted in a location where it is visible to the public, protected from weather, and secure from vandalism and will remain posted until work is complete.

This Department recommends the finish floor slab be constructed 12 inches above the highest adjacent grade.

Notes:

Compliance with the Endangered Species Act is the responsibility of the applicant.

Issuance of this permit does not imply compliance with deed and/or plat restrictions.

Contact Travis County Prior to Construction.

Inspector: Dennis Case 266-3314

Special Provisions:

All development shall be in accordance with plans reviewed by Travis County

Stacey Scheffel
Floodplain Administrator
Travis County
Transportation and Natural
Resources



NOTICE OF CLASS "A"
TRAVIS COUNTY BASIC DEVELOPMENT PERMIT

This Permit No 10-1633 **is issued on** 12/27/2010 **and is effective immediately.**

This Permit is Issued to TAYLOR MORRISON
and is not transferrable.

This Permit authorizes the permittee to construct development in accordance with the requirements of Travis County Flood Plain Management Regulation on the following described property

LOT 76 BLOCK D SENNA HILLS SEC 10
2321 RIVINA DR
Non-Residential RETAINING WALL

The permittee applied in Travis County for a basic development permit on the above described location. The application has been reviewed and it is has been determined that the construction and improvements will not be in the 100 year flood plain and elevation certificate completion is not required by Travis County.

*

This permit shall be posted in a location where it is visable to the public, protected from weather, and secure from vandalism and will remain posted until work is complete.

This Department recommends the finish floor slab be constructed 12 inches above the highest adjacent grade.

Notes:

Compliance with the Endangered Species Act is the responsibility of the applicant.

Issuance of this permit does not imply compliance with deed and/or plat restrictions.

Contact Travis County Prior to Construction.

Inspector: Dennis Case 266-3314

A handwritten signature in black ink, appearing to read "Stacey Scheffel", is written over a horizontal line.

Stacey Scheffel
Floodplain Administrator
Travis County
Transportation and Natural
Resources

Special Provisions:

All development shall be in accordance with plans reveiwed by Travis County



NOTICE OF CLASS "A"
TRAVIS COUNTY BASIC DEVELOPMENT PERMIT

This Permit No 10-1634 **is issued on** 12/27/2010 **and is effective immediately.**

This Permit is Issued to TAYLOR MORRISON
and is not transferrable.

This Permit authorizes the permittee to construct development in accordance with the requirements of Travis County Flood Plain Management Regulation on the following described property

LOT 71 BLOCK D SENNA HILLS SEC 10
2304 RIVINA DR
Non-Residential RETAINING WALL

The permittee applied in Travis County for a basic development permit on the above described location. The application has been reviewed and it has been determined that the construction and improvements will not be in the 100 year flood plain and elevation certificate completion is not required by Travis County.

This permit shall be posted in a location where it is visible to the public, protected from weather, and secure from vandalism and will remain posted until work is complete.

This Department recommends the finish floor slab be constructed 12 inches above the highest adjacent grade.

Notes:

Compliance with the Endangered Species Act is the responsibility of the applicant.

Issuance of this permit does not imply compliance with deed and/or plat restrictions.

Contact Travis County Prior to Construction.

Inspector: Dennis Case 266-3314

A handwritten signature in black ink, appearing to read "Stacey Scheffel", is written over a horizontal line.

Stacey Scheffel
Floodplain Administrator
Travis County
Transportation and Natural Resources

Special Provisions:

All development shall be in accordance with plans reviewed by Travis County



NOTICE OF CLASS "A"
TRAVIS COUNTY BASIC DEVELOPMENT PERMIT

This Permit No 10-1635 is issued on 12/27/2010 and is effective immediately.

This Permit is Issued to TAYLOR MORRISON
and is not transferrable.

This Permit authorizes the permittee to construct development in accordance with the requirements of Travis County Flood Plain Management Regulation on the following described property

LOT 72 BLOCK D SENNA HILLS SEC 10
2308 RIVINA DR
Non-Residential RETAINING WALL

The permittee applied in Travis County for a basic development permit on the above described location. The application has been reviewed and it has been determined that the construction and improvements will not be in the 100 year flood plain and elevation certificate completion is not required by Travis County.

*

This permit shall be posted in a location where it is visible to the public, protected from weather, and secure from vandalism and will remain posted until work is complete.

This Department recommends the finish floor slab be constructed 12 inches above the highest adjacent grade.

Notes:

Compliance with the Endangered Species Act is the responsibility of the applicant.

Issuance of this permit does not imply compliance with deed and/or plat restrictions.

Contact Travis County Prior to Construction.

Inspector: Dennis Case 266-3314

Special Provisions:

All development shall be in accordance with plans reviewed by Travis County

A handwritten signature in black ink, appearing to read "Stacey Scheffel", is written over a horizontal line.

Stacey Scheffel
Floodplain Administrator
Travis County
Transportation and Natural
Resources



NOTICE OF CLASS "A"
TRAVIS COUNTY BASIC DEVELOPMENT PERMIT

This Permit No 10-1636 is issued on 12/27/2010 and is effective immediately.

This Permit is Issued to TAYLOR MORRISON
and is not transferrable.

This Permit authorizes the permittee to construct development in accordance with the requirements of Travis County Flood Plain Management Regulation on the following described property

LOT 73 BLOCK D SENNA HILLS SEC 10
2312 RIVINA DR
Non-Residential RETAINING WALL

The permittee applied in Travis County for a basic development permit on the above described location. The application has been reviewed and it has been determined that the construction and improvements will not be in the 100 year flood plain and elevation certificate completion is not required by Travis County.

*

This permit shall be posted in a location where it is visible to the public, protected from weather, and secure from vandalism and will remain posted until work is complete.

This Department recommends the finish floor slab be constructed 12 inches above the highest adjacent grade.

Notes:

Compliance with the Endangered Species Act is the responsibility of the applicant.

Issuance of this permit does not imply compliance with deed and/or plat restrictions.

Contact Travis County Prior to Construction.

Inspector: Dennis Case 266-3314

Stacey Scheffel
Floodplain Administrator
Travis County
Transportation and Natural
Resources

Special Provisions:

All development shall be in accordance with plans reviewed by Travis County



NOTICE OF CLASS "A"
TRAVIS COUNTY BASIC DEVELOPMENT PERMIT

This Permit No 10-1637 is issued on 12/27/2010 and is effective immediately.

This Permit is Issued to TAYLOR MORRISON
and is not transferrable.

This Permit authorizes the permittee to construct development in accordance with the requirements of Travis County Flood Plain Management Regulation on the following described property

LOT 74 BLOCK D SENNA HILLS SEC 10

2316 RIVINA DR

Non-Residential RETAINING WALL

The permittee applied in Travis County for a basic development permit on the above described location. The application has been reviewed and it has been determined that the construction and improvements will not be in the 100 year flood plain and elevation certificate completion is not required by Travis County.

*

This permit shall be posted in a location where it is visible to the public, protected from weather, and secure from vandalism and will remain posted until work is complete.

This Department recommends the finish floor slab be constructed 12 inches above the highest adjacent grade.

Notes:

Compliance with the Endangered Species Act is the responsibility of the applicant.

Issuance of this permit does not imply compliance with deed and/or plat restrictions.

Contact Travis County Prior to Construction.

Inspector: Dennis Case 266-3314

Special Provisions:

All development shall be in accordance with plans reviewed by Travis County

Stacey Scheffel
Floodplain Administrator
Travis County
Transportation and Natural
Resources



NOTICE OF CLASS "A"
TRAVIS COUNTY BASIC DEVELOPMENT PERMIT

This Permit No 10-1638 is issued on 12/27/2010 and is effective immediately.

This Permit is Issued to TAYLOR MORRISON
and is not transferrable.

This Permit authorizes the permittee to construct development in accordance with the requirements of Travis County Flood Plain Management Regulation on the following described property

LOT 75 BLOCK D SENNA HILLS SEC 10
2320 RIVINA DR
Non-Residential RETAINING WALL

The permittee applied in Travis County for a basic development permit on the above described location. The application has been reviewed and it has been determined that the construction and improvements will not be in the 100 year flood plain and elevation certificate completion is not required by Travis County.

* This permit shall be posted in a location where it is visible to the public, protected from weather, and secure from vandalism and will remain posted until work is complete.

This Department recommends the finish floor slab be constructed 12 inches above the highest adjacent grade.

Notes:

Compliance with the Endangered Species Act is the responsibility of the applicant.

Issuance of this permit does not imply compliance with deed and/or plat restrictions.

Contact Travis County Prior to Construction.

Inspector: Dennis Case 266-3314

A handwritten signature in black ink, appearing to read "Stacey Scheffel".

Stacey Scheffel
Floodplain Administrator
Travis County
Transportation and Natural
Resources

Special Provisions:

All development shall be in accordance with plans reviewed by Travis County

for

C8J-92-0080.04.6A

C8J-92-0080.07.1B

Subdivision File No.

Site Plan/Development Permit Number

MARCH 8, 2006

Project Filing Date

THE FOLLOWING VARIANCES WERE APPROVED BY THE COA ZONING & PLATTING COMMISSION ON NOVEMBER 7, 2006 WITH THE FOLLOWING CONDITIONS:

1. SECTION 13-3-622 (d) (1): SINGLE FAMILY RESIDENTIAL-TO ALLOW CONSTRUCTION EXCEEDING THE IMPERVIOUS COVER LIMITATION WITHIN THE SLOPE CATEGORY BY 15 TO 25 BY 1.7% FOR A TOTAL OF 11.70% AND WITHIN THE SLOPE CATEGORY BY .35% FOR A TOTAL OF 5.35%
 2. SECTION 13-3-639 - CLEARING FOR ROADWAYS: TO EXCEED THE CLEARING WIDTH FOR ROADWAY.
 3. SECTION 13-3-640 - CUT & FILL FOR ROADWAYS: TO EXCEED THE MAXIMUM CUT & FILL UP TO (6) FEET.
- CONDITIONS:
1. THAT ALL ROADWAYS CLEARING OUTSIDE THE RIGHT OF WAY TO HAVE FINISHED GRADE 3 TO 1; AND
 2. A PLAT NOTE IS ADDED TO THE PLAT STATING THAT WITHIN THE ENVIRONMENTAL FEATURE SETBACKS AREAS OF NATURAL & NATIVE VEGETATIVE COVER SHALL BE RETAINED TO THE MAXIMUM EXTENT PRACTICABLE; CONSTRUCTION, EXCEPT FOR A FENCE, IS PROHIBITED; AND AND WASTEWATER DISPOSAL OR IRRIGATION OF EFFLUENT IS PROHIBITED; AND
 3. THE APPLICANT SHALL PROVIDE THE CITY OF AUSTIN GROW GREEN INFORMATION TO THE HOMEOWNER ASSOCIATION FOR DISTRIBUTION TO THE SUBDIVISION RESIDENTS.

THE PLAN IS COMPLETE AND IN COMPLIANCE WITH CHAPTER 13-3 DIVISION 5, ARTICLE VII LAKE AUSTIN WATERSHED AND THE SENNA HILLS MUD AGREEMENT, AND WITH CERTAIN PROVISIONS OF CHAPTER 30-5 PURSUANT CHAPTER 245, TEX. LOC. GOV'T CODE.

"I CERTIFY THAT THESE ENGINEERING DOCUMENTS ARE COMPLETE, ACCURATE AND ADEQUATE FOR THE INTENDED PURPOSES, INCLUDING CONSTRUCTION, BUT ARE NOT AUTHORIZED FOR CONSTRUCTION PRIOR TO FORMAL CITY APPROVAL."

"ALL RESPONSIBILITY FOR THE ADEQUACY OF THESE PLANS REMAIN WITH THE ENGINEER WHO PREPARED THEM. IN APPROVING THESE PLANS, THE CITY OF AUSTIN MUST RELY UPON THE ADEQUACY OF THE WORK OF THE DESIGN ENGINEER."

**Copy of
City of Austin
Originals**



Sheet 1 of 19

ORDINANCE NO. 840301-G

AN ORDINANCE AMENDING CHAPTER 13-3 (SUBDIVISIONS) OF THE AUSTIN CITY CODE OF 1981; REDESIGNATING THE SPECIAL STANDARDS FOR SUBDIVISION AND DEVELOPMENT OF LAND LOCATED WITHIN THE WATERSHED OF LAKE AUSTIN, AS ADOPTED BY ORDINANCE NO. 831020-H, AS A NEW DIVISION 5 OF ARTICLE VII (SPECIAL REQUIREMENTS FOR SUBDIVISIONS IN ENVIRONMENTALLY SENSITIVE AREAS) OF SAID CHAPTER 13-3; PROVIDING FOR SEVERABILITY; SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS; DECLARING AN EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. That a new Division 5, Article VII be and is hereby added to Chapter 13-3 of the Austin City Code of 1981 which shall read as follows:

DIVISION 5. LAKE AUSTIN WATERSHED

PART A. General Provisions

Sec. 13-3-600. Findings and Objectives.

(a) The City Council hereby makes the following findings:

- (1) The City Council is the trustee of the natural environment and recreational potential of Lake Austin for future generations of Austinites;
- (2) The Lake Austin Watershed, compared to other watersheds within Austin's jurisdiction, is mostly undeveloped;
- (3) The Lake Austin Watershed, due to abrupt topography, thin and easily disturbed soil, natural springs, unique biotic communities, and sparse but significant vegetation, is different from other watersheds within Austin's jurisdiction;
- (4) Lake Austin is a primary source of Austin's water supply;
- (5) The continued economic growth of Austin is enhanced by recreational opportunities in close proximity to Lake Austin;
- (6) Lake Austin, as an integral part of the Highland Lakes, is a significant source of pride and attraction, and the lake and its environment must be preserved and protected to promote Austin's economic well being;

- (7) Lake Austin is one of the most significant sources of public recreation for Austinites and must be protected in order to preserve the health and welfare of Austin citizens;
 - (8) Lake Austin is comparatively shallow and narrow, and thus extremely vulnerable to pollution and sedimentation resulting from development activities within its watershed which are not related to single sources of pollution;
 - (9) The Lake Austin Watershed is undergoing rapid development;
 - (10) If the Lake Austin Watershed is not developed in a sensitive and innovative manner, the recreational benefits of Lake Austin will be irreparably damaged.
- (b) The City Council further finds that minimum standards should be adopted as an application of the general principles for conservation and development that are embodied in the Lake Austin Growth Management Plan, which principles are intended to protect the water quality of Lake Austin as a source of the City's drinking water and a recreational resource, and to encourage innovative planning and design of urban development which responds to the unique and sensitive environments of the Lake Austin Watershed, the purposes of which standards are:
- (1) To avoid or compensate for increases in soil erosion and sedimentation during and after construction activities;
 - (2) To avoid or compensate for increases in runoff volumes and velocities;
 - (3) To prevent indiscriminate stripping of vegetation and unnecessary loss of soils;
 - (4) To mitigate increases in the pollutant concentrations and total pollutant loading of runoff drainage;
 - (5) To prevent structural deficiencies or failures of buildings built on slopes or on earthen fill;
 - (6) To prevent construction activity that may precipitate mass movement, slumping, or erosion of land surfaces; and,
 - (7) To prevent unacceptable wastewater discharges from reaching Lake Austin.

Sec. 13-3-601. Application of Division and Coordination with Other Ordinances.

- (a) This division sets out special requirements for the subdivision of land located in the Lake Austin Watershed, which for the purposes of this division shall mean all land within the following boundaries:

BEGINNING at the intersection of the centerline of State Highway 71 with the centerline of Farm-to-Market Road 620, for the most southerly southwest corner of the herein described tract of land;

THENCE, with said centerline of State Highway 71 in a southeasterly direction to a point in the centerline of Bee Caves Road;

THENCE, with said centerline of Bee Caves Road in an easterly direction to a point in the southerly prolongation of the east right-of-way line of Capitol of Texas Highway South;

THENCE, with said east right-of-way line of Capitol of Texas Highway South and its southerly prolongation in a northerly direction to a point in the present corporate limit line of West Lake Hills;

THENCE, with said present corporate limit line of West Lake Hills in a northerly, easterly and southerly direction to a point in the present corporate limit line of the City of Austin as adopted by ordinance dated July 29, 1976;

THENCE, continuing with the present corporate limit line of West Lake Hills, same being said present corporate limit line of the City of Austin as adopted by ordinance dated July 29, 1976, in a southeasterly direction to the corporate limit line of the City of Austin, same being a contour line along Lake Austin whose elevation is 504.9 feet above mean sea level;

THENCE, with said present corporate limit line of the City of Austin, same being said 504.9 contour line of Lake Austin, in an easterly and southerly direction to a point on the north face of Tom Miller Dam;

THENCE, with said north face of Tom Miller Dam in an easterly direction to a point in a line whose elevation is 492.3 feet above mean sea level;

THENCE, with said contour line whose elevation is 492.3 feet in an easterly and northerly direction to a point in the westerly prolongation of the centerline of Windsor Road;

THENCE, with the centerline of Windsor Road and its westerly prolongation in an easterly direction to a point in the Ridge Line of the Lake Austin Watershed;

THENCE, with said Ridge Line of Lake Austin Watershed in a northerly direction to a point in the reference line of U.S. Highway 183, for the most easterly corner of the herein described tract of land;

THENCE, with the reference line of U.S. Highway 183 in a northwesterly direction to a point in the Travis and Williamson County Lines;

THENCE, with said county line of Travis and Williamson Counties in a westerly direction to a point in the centerline of Farm-to-Market Road 620, for the most northerly corner of the herein described tract of land;

THENCE, with said centerline of Farm-to-Market Road 620 in a southwesterly direction to the point of beginning.

The boundaries of the Lake Austin Watershed are also depicted for purposes of illustration on the map attached hereto and made a part hereof as Exhibit "A". Copies of such map shall be available for inspection at the offices of the City Clerk, Planning Department and Public Works Department. All questions concerning the exact boundary lines of the Lake Austin Watershed as herein described and as shown on such Exhibit "A" shall be determined by the Director of Public Works.

- (b) A person wishing to subdivide land in the Lake Austin Watershed must comply both with these special requirements and with the applicable requirements of other provisions of this Chapter. When the land being subdivided is located partially within and partially beyond the Lake Austin Watershed, this division shall apply only to that portion of the land within the Lake Austin Watershed.
- (c) In case of conflict between the requirements of this division and any other ordinance, the requirements of this division govern.
- (d) The Director of Planning, in cooperation with the Directors of Public Works and Environmental Management, shall design and administer a system, including necessary forms, that coordinates the requirements of both this division and the other provisions of this Chapter, minimizes duplication of requirements and conflict between same and facilitates the expeditious processing of subdivision applications.

Sec. 13-3-602. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this

section, except where the context clearly indicates a different meaning.

Commercial Development: Development for uses other than residential, recreation, or open space.

Development: Buildings and other structures; construction and excavation, dredging, grading, filling, and clearing or removing vegetation.

Impervious Cover: Roads, parking areas, buildings and other impermeable construction covering the natural land surface shall be considered as impervious cover. Water quality basins, swales, peak shaving detention ponds, and other conveyances for drainage (excluding roadways, curb and gutter) shall not be calculated as impervious cover.

Individual On-Site Wastewater System: A system of on-site wastewater treatment for an individual lot, including but not limited to: septic tanks and drainfields, evapotranspiration systems, aerobic systems, and pressure-dosing trench fields and other approved innovative systems.

Multi-Family Development: Residential development other than detached single-family dwellings or duplexes on an individual lot.

Spoil: Material such as rocks, dirt, vegetation, debris, etc. generated as a result of development.

Sec. 13-3-603. Burden of Proof.

An applicant for subdivision approval under this division must establish that his plans and plat comply with the requirements of this division and with the applicable requirements of the other provisions of this Chapter.

Sec. 13-3-604. Variances.

- (a) Variances from the terms of this division may be granted by the Planning Commission only if it is found that, because of special circumstances applicable to the property involved, a strict application deprives such property of privileges or safety enjoyed by other similarly situated property with similarly timed development. Where such conditions are found the variance permitted shall be the minimum departure necessary to avoid such deprivation of privileges enjoyed by such other property and to facilitate a reasonable use, and which will not create significant probabilities of harmful environmental consequences. Provided, however, in no case may a variance be granted that will provide the applicant with any special privileges not enjoyed by

other similarly situated properties with similarly timed development. Provided, further, that the Planning Commission shall have no authority to grant a variance based on a special or unique condition which was created as a result of the method by which a person voluntarily subdivides land after the effective date of this division.

- (b) Any person affected by a subdivision which is subject to this division may appeal in writing to the City Council the Planning Commission's grant or denial of a variance under this division. The appeal must be filed with the Director of Planning on or before the 10th day after the date on which the variance was granted or denied. On receipt the Director of Planning shall forward the appeal, together with the variance request, to the City Clerk for placing on the Council agenda.

The City Council must consider the appeal at a public hearing on or before the 30th day after the date on which the appeal was filed with the Planning Director. If there are multiple appeals of the same grant or denial, the Council shall decide them at the same hearing. The appellant has the burden of proof on appeal.

- (c) The Director of Planning shall prepare and maintain in the Planning Department for public inspection:
 - (1) A written summary of variances granted and denied under subsection (a); and
 - (2) The contents of the files, including the appeal record if there was an appeal, for each variance acted on by the Planning Commission.

Sec. 13-3-605. Exemptions

- (a) This division shall not apply to the subdivision of land in the Lake Austin Watershed if:
 - (1) The subdivision application was filed on or before September 24, 1983; or
 - (2) The preliminary plan was approved by the Planning Commission prior to October 20, 1983.
- (b) Provided, however, that subdivision applications submitted between August 4, 1983 and September 24, 1983 shall not be exempt from this division unless their density is no more than 0.9 living units per acre within 500 feet of the shoreline of Lake Austin.
- (c) Provided, further, that resubdivisions of commercial plats and resubdivisions of residential lots which do not

result in an increase in density shall be exempt from this division.

- (d) This division shall not apply to the subdivision or resubdivisions of land in the Lake Austin Watershed which (i) contain less than twenty-nine (29) acres, (ii) consist of single-family, duplex or multifamily uses of eight (8) units or less per acre, (iii) are limited to less than twenty-five percent (25%) impervious cover, (iv) have not more than twenty percent (20%) impervious cover on slopes of greater than twenty five percent (25%) gradient, and (v) utilize erosion and sedimentation controls specified in the Erosion Control and Sedimentation Control Manual dated September 28, 1983.
- (e) Subdivisions exempt from this division under (a), (b), (c) or (d) above shall be governed by the rules and requirements of City of Austin Ordinance No. 800103-P.
- (f) The "subdivision application" referred to in subsection 13-3-605(a)(1), above, shall mean the original application and amendments to the application shall not result in loss of the exemption. Amendment to the application does not mean resubdivision of a platted lot, however, for the purposes of subsection 13-3-605(a)(1).

Sec. 13-3-606. Remedies for Violations.

- (a) When an appropriate department director determines that there has been noncompliance with any material terms, condition, requirement or agreement under this division, the person developing pursuant to an approved plan or plat shall be ordered in writing to cease and desist from further development or construction relevant to the alleged noncompliance until corrected by compliance. Said person may appeal an order to cease and desist to the appropriate department director by giving written notice. Said director shall hear the appeal within ten (10) working days of receiving such notice. Said person may appeal in writing a negative ruling by the director to the Planning Commission, which shall hear the appeal at the next regular subdivision meeting following receipt of the notice.
- (b) The City shall bring suit in a court of competent jurisdiction to restrain and enjoin any person who attempts to carry out any plan for subdivision development and construction without first obtaining approval of said plat and plan as required by the law and the ordinances of the City or any person who fails to cease and desist from further development or construction under subsection (a) above.

- (c) Any right, privilege or remedy granted by this division to the person obtaining or holding plat or plan approval shall also run in favor of such person's successors in interest and assigns. Any duty or obligation of or remedy against such person arising from this division shall also inure as to such person's successors in interest, assigns, agents, employees, representatives, or any person acting pursuant to the directions of any of the foregoing, or under color of the same.

Sec. 13-3-607. - 13-3-614. Reserved.

PART B. Special Provisions Applicable
To Subdivision Plan

Sec. 13-3-615. Planning Commission Approval.

Before subdividing land located in the Lake Austin Watershed, an applicant must obtain approval from the Planning Commission of the plans and plats as required by this division and by the other provisions of this Chapter.

Sec. 13-3-616. Preliminary Plan.

- (a) The preliminary plan for the subdivision of land shall meet all the requirements and conditions established by the other sections of this Chapter and shall meet additional requirements set forth below. The proposed plan shall be certified as complete and accurate and in compliance with the provisions of this Division 5, Article VII of this Chapter by a registered professional engineer with expertise in the field of water quality.
- (b) The preliminary plan shall be accompanied by a slope map drawn from available topographic material which shall separate the proposed subdivision into the following four slope classes:
- (1) Slopes of greater than thirty-five (35) percent gradient;
 - (2) Slopes of greater than twenty-five (25) and up to thirty-five (35) percent gradient;
 - (3) Slopes of greater than fifteen (15) and up to twenty-five (25) percent gradient; and,
 - (4) Slopes less than fifteen (15) percent gradient.

The map shall be drawn to the same scale as that of the preliminary plan.

- (c) The preliminary plan shall indicate the maximum height and depth of all proposed cuts and fills in excess of four (4) feet.
- (d) The preliminary plan shall show the limits of the one-hundred (100) and twenty-five (25) year flood plains, based on existing conditions, of all creeks and major drainage channels prior to any alteration of land assuming fully developed watershed conditions exist.
- (e) The preliminary plan shall contain or be accompanied by a topographic map, with two foot contour intervals, meeting national map accuracy standards, showing:
 - (1) Existing topographic features including faults, fractures, sinkholes, and bluffs;
 - (2) The location of all temporary and permanent runoff detention basins, constructed and altered waterways, rock and brush berms, and other structural facilities to be installed to comply with the erosion and sedimentation control guidelines;
 - (3) All roadways;
 - (4) The building site, containing at least three-thousand (3,000) square feet of land which is buildable under the provisions of this Chapter, for each single-family or duplex residential lot;
 - (5) Building setback lines;
 - (6) Lot lines;
 - (7) The location of all impervious cover on commercial and multi-family sites if available at time of platting;
 - (8) For commercial sites a vegetative survey which shows the approximate location and identifies all significant plant material on the site;
 - (9) Drainage easements;
 - (10) Wastewater drain fields, if applicable.
- (f) The preliminary plan shall be accompanied by a display of data which shall show the following information.
 - (1) The land area calculated in acres for each slope class within the subdivision as delineated on the slope map.

- (2) The total maximum area of impervious surfaces proposed in the development within each slope class. The total area shall be separated into areas of streets, off-street parking, commercial areas, tennis courts and other recreational areas, and residential areas. The residential impervious area shall be further separated into the estimated average dwelling sizes, including the area of garages and drives. All pedestrian sidewalks within street rights-of-way, or parallel to the private streets shall be included in the impervious cover calculations, but shall be excluded from the impervious cover limitations of this division.
- (g) The preliminary plan shall be accompanied by a grading and erosion-sedimentation control plan. The data requirements for this plan shall include:
- (1) The location and description of existing topographic features and soil characteristics of the site using best available information;
 - (2) A general description of proposed changes to the site;
 - (3) A general description of measures which shall be taken for the control of soil erosion and sedimentation;
 - (4) The means of slope stabilization and the restoration for cuts and fills; and,
 - (5) A general sequencing of construction.
- (h) The preliminary plan shall indicate possible disposal sites of all excess spoil and the probable depth and origin of the fill material. For each preliminary subdivision plan for single-family and duplex uses, an environmental assessment provided by the subdivision applicant shall address the following items:
- (1) Estimated quantities of excess material requiring disposal;
 - (2) Alternative sites for spoil disposal, including on-site locations, other sites within the Lake Austin Watershed and sites outside of the Lake Austin Watershed if proposed;
 - (3) A proposed location (s) for spoil disposal and justification in light of the alternatives above, environmental considerations, and public benefits to be provided;

- (4) A general description of the dimensions of the fill and restoration measures proposed.

Applicants for subdivisions for uses other than single-family and duplex may submit such environmental assessment at the time of Site Development Permit application.

- (i) The preliminary plan shall be accompanied by a tree survey indicating the location of all trees within the subdivision with a trunk circumference of sixty (60) inches or more measured four and one-half (4-½) feet above natural grade level.
- (j) The preliminary plan shall indicate proposed joint-use driveways as provided by Sec. 13-3-647.
- (k) The preliminary plan shall be accompanied by a drainage study addressing the drainage requirements of this Chapter and meeting or exceeding the criteria outlined in the "Austin Drainage Criteria Manual".

Sec. 13-3-617. Final Plat

In addition to satisfying the other requirements of this Chapter, a final plat must:

- (a) Be accompanied by a plan, or plans, which detail the proposed erosion-sedimentation control and drainage systems. The plan(s) shall include:
- (1) A description of the sequencing of construction, including the installation of temporary and permanent erosion controls;
 - (2) The location and detailed design of all temporary and permanent erosion controls with a maintenance note clearly identifying the person or entity responsible for the maintenance of these controls and a schedule for inspection of the same;
 - (3) Restoration/slope stabilization techniques, including vegetative types, and acceptability note stating the degree of restoration expected at the time of restoration acceptance by the City;
 - (4) The location and cross-sections of construction spoil sites, including probable fill depths;
 - (5) For each proposed development, a slope map showing the location of each detention-sedimentation basin, the location of all impervious cover, if known, and demonstration that the quantity of impervious cover

does not exceed the limits established under this Division 5, Art. VII of this Chapter;

- (6) The proposed building sites;
 - (7) The justification to use enclosed storm sewers if they are being proposed;
 - (8) Street cross-sections where cuts and fills will occur outside of the right-of-way;
 - (9) The person or entity to whom notice shall be given after a City conducted construction phase inspection has been made;
 - (10) Waterway Development Permit information which, in addition to the information required by Sec. 13-3-178 of this Chapter, shall include:
 - a. The location of all drainage easements;
 - b. Location and description of any drainage structures;
 - c. The locations of the twenty-five (25) and one-hundred (100) year flood plains;
 - d. Effect of development on adjacent and downstream property;
 - e. Detention requirements;
 - f. Building slab elevations;
 - g. Effect of the project on the natural and traditional character of the waterway;
 - (11) An engineer's seal certifying that the plan(s) is complete, correct, and in compliance with this Division 5, Art. VII of this Chapter.
- (b) Be accompanied by a site plan for any proposed spoil disposal site in the Lake Austin Watershed which shall include:
- (1) Proposed fill sections and provisions for drainage.
 - (2) Erosion control and restoration details.
 - (3) The location of haul roads to and from the site.
 - (4) Restoration plans.
- (c) Contain on the face of the plat the following plat notes, as applicable:
- (1) A note which incorporates by reference the terms and requirements of this Division 5, Article VII of this Chapter, which shall be required in all cases;

- (2) A note which restricts the land in the subdivision to the impervious cover limitations of this division;
 - (3) A note which provides for the maintenance of structural water quality controls as required by Sec. 13-3-629;
 - (4) A note which provides for approval of driveway grades in excess of fourteen (14) percent when applicable under Sec. 13-3-646;
 - (5) A note which provides for joint-use driveways when applicable under Sec. 13-3-647.
- (d) Contain a statement dedicating to the City of Austin those water quality basins required under subsection 13-3-629(b) to be maintained by the City.
- (e) Be accompanied by such restrictive covenants, easements or contracts as may be necessary and appropriate to ensure adequate property owner maintenance of water quality basins under subsection 13-3-629(a) and/or to facilitate the use of joint-use driveways under Sec. 13-3-647.

Sec. 13-3-618. - 13-3-619. Reserved.

PART C. Impervious Cover Limitations

Sec. 13-3-620. Purpose.

Impervious cover must be limited to reduce and compensate for the impacts of erosion, reduce the volume and rate of runoff, attenuate the harm of contaminants collected and transported by stormwater, and reduce the quantity of wastewater effluent discharged within the Lake Austin Watershed, the primary source of drinking water for the City of Austin.

Sec. 13-3-621. Prohibited on Steep Slopes.

No impervious cover except for roads shall be permitted on slopes over thirty-five (35) percent gradient.

Sec. 13-3-622. Single-Family or Duplex Residential Development.

- (a) No subdivision of land for single-family or duplex residential development shall create impervious cover exceeding the following limitations within each slope category:

- (1) Thirty-five (35) percent impervious cover on slopes under fifteen (15) percent gradient;
 - (2) Ten (10) percent impervious cover on slopes of fifteen (15) to twenty-five (25) percent gradient;
 - (3) Five (5) percent impervious cover on slopes of over twenty-five (25) and up to thirty-five (35) percent gradient.
- (b) The transfer of allowable impervious cover from slopes in excess of fifteen (15) percent gradient to slopes under fifteen (15) percent gradient and to slopes of fifteen (15) to twenty-five (25) percent gradient shall be permitted within subdivisions. In such cases of transfer, the impervious cover allowed on slopes under fifteen (15) percent gradient may be permitted to exceed thirty-five (35) percent but shall not exceed forty-five (45) percent; and in such cases of transfer the impervious cover allowed on slopes of fifteen (15) to twenty-five (25) percent gradient may be permitted to exceed ten (10) percent but shall not exceed fifteen (15) percent (see Transfer Table).

Transfer Table Single-Family or Duplex

<u>Slope Category</u>	<u>Standard Impervious Cover Limit</u>	<u>Max. Impervious Cover With Transfer</u>
Under 15% gradient	35%	45%
15-25% gradient	10%	15%
25-35% gradient	5%	5%

Sec. 13-3-623. Multi-Family Residential Development.

- (a) No subdivision of land for multi-family residential development shall create impervious cover exceeding the following limitations within each slope category:
- (1) Forty (40) percent impervious cover on slopes under fifteen (15) percent gradient;
 - (2) Ten (10) percent impervious cover on slopes of fifteen (15) to twenty-five (25) percent gradient;
 - (3) Five (5) percent impervious cover on slopes of over twenty-five (25) and up to thirty-five (35) percent gradient.

- (b) The transfer of allowable impervious cover from slopes in excess of fifteen (15) percent gradient to slopes under fifteen (15) percent gradient and to slopes of fifteen (15) to twenty-five (25) percent gradient shall be permitted within subdivisions. In such cases of transfer, the impervious cover allowed on slopes under fifteen (15) percent gradient may be permitted to exceed forty (40) percent but shall not exceed fifty (50) percent; and in such cases of transfer the impervious cover allowed on slopes of fifteen (15) to twenty-five (25) percent gradient may be permitted to exceed ten (10) percent but shall not exceed fifteen (15) percent (see Transfer Table).

Transfer Table Multi-Family

<u>Slope Category</u>	<u>Standard Impervious Cover Limit</u>	<u>Max. Impervious Cover With Transfer</u>
Under 15% gradient	40%	50%
15-25% gradient	10%	15%
25-35% gradient	5%	5%

Sec. 13-3-624. Commercial Development.

- (a) No subdivision of land for commercial development shall create impervious cover exceeding the following limitations within each slope category:
- (1) Sixty-five (65) percent impervious cover on slopes under fifteen (15) percent gradient;
 - (2) Fifteen (15) percent impervious cover on slopes of fifteen (15) to twenty-five (25) percent gradient;
 - (3) Five (5) percent impervious cover on slopes of over twenty-five (25) and up to thirty-five (35) percent gradient.
- (b) The transfer of allowable impervious cover from slopes in excess of fifteen (15) percent gradient to slopes under fifteen (15) percent gradient shall be permitted within subdivisions. In such cases of transfer, the impervious cover allowed on slopes of under fifteen (15) percent gradient may be permitted to exceed sixty-five (65) percent but shall not exceed seventy (70) percent; and in such cases of transfer the impervious cover allowed on slopes of fifteen (15) percent to twenty-five (25) percent gradient may not be permitted to exceed ten (10) percent (see Transfer Table).

Transfer Table Commercial

<u>Slope Category</u>	<u>Standard Impervious Cover Limit</u>	<u>Max. Impervious Cover With Transfer</u>
Under 15% gradient	65%	70%
15-25% gradient	15%	10%
25-35% gradient	5%	5%

Sec. 13-3-625. - 13-3-626. Reserved.

PART D. Structural Water Quality Controls

Sec. 13-3-627. Compliance.

All developments of land within the Lake Austin Watershed with projected impervious cover exceeding eighteen (18) percent on slopes of twenty-five (25) percent gradient and under shall comply with the provisions of this Part D. in addition to other requirements of this division.

Sec. 13-3-628. Water Quality Detention-Sedimentation Basins.

- (a) Water quality detention-sedimentation basins shall be situated and constructed to capture and hold at least the first one-half inch ($\frac{1}{2}$ ") of runoff from all impervious cover and shall be shown on the slope map for the final plat with details of construction if known.
- (b) Water quality detention-sedimentation basins shall not be required for greenbelts, open space, golf courses and other similar uses, provided, however that if golf courses are irrigated with effluent, water quality detention-sedimentation basins which release all water through a filter medium shall be situated and constructed to capture and hold at least the first one-half inch ($\frac{1}{2}$ ") of runoff from such area. The runoff coefficient for such detention-sedimentation-filtration basins shall be determined under wet conditions.
- (c) The basins and drainage into the basins shall be designed to capture and isolate the first flush runoff. All subsequent runoff in excess of the design capacity of the basins shall bypass the basins and remain segregated from the contained runoff waters in a peak shaving basin up to the capacity specified in the Drainage Criteria Manual.
- (d) The design of all detention-sedimentation basins shall allow an average resident time of twenty-four (24) hours for the first one-half inch ($\frac{1}{2}$ ") of runoff.

- (e) Input to and release from detention basins shall utilize grass-lined swales and/or overland flow dispersion measures where feasible.
- (f) Water quality and peak shaving basins shall not be located in waterways, draws or ravines. Exceptions to this may be considered if:
 - (1) A regional facility is being proposed which will minimize the total disturbance or damage which would otherwise result from the construction of several smaller facilities; or,
 - (2) An environmental assessment illustrates that the impact of locating the facility in the waterway will be substantially less than keeping such a facility out of the waterway. The assessment shall be prepared by the applicant and reviewed and commented on by Environmental Resource Management prior to Planning Commission approval. Such assessment shall consider the intrinsic value of leaving waterways in an undisturbed state if the associated vegetation, slopes, grade, rock outcropping and other qualities make them worthy of preservation in their natural state.
- (g) Detention-sedimentation basins detaining runoff drainage from all development areas where the projected impervious cover exceeds twenty (20) percent on slopes under twenty-five (25) percent and under and from any commercial or multi-family lot shall, in addition to the other requirements of this section, release all water through a filter medium.
- (h) Regional basins for use by many different property owners and properties are encouraged.

Sec. 13-3-629. Maintenance.

- (a) All basins and their appurtenances required for commercial and multi-family development shall be maintained by the property owner.
- (b) Maintenance of basins for single family or duplex residential development shall be by the City.
- (c) The basins shall be cleaned at least every twenty-four (24) months. Ponds shall be inspected every twelve (12) months, at least every June through August. Exceptions may be made by Directors of Public Works and Environmental Resource Management for basins requiring more or less frequent cleaning.

In the event that any basins need cleaning more than twice in each calendar year, the Planning Commission shall review and approve such additional requirement.

- (d) The maintenance required above shall be to the standards and specifications contained in this division and other ordinances and resolutions of the City and shall retain the effectiveness of each design feature.
- (e) A Dedicated Fund shall be set up by the City to maintain the basins for single family, duplex, triplex and fourplex uses and the subdivider shall pay into the fund the following amounts:

Single family use	\$ 80.00
Duplex use	\$160.00
Triplex use	\$240.00
Fourplex	\$320.00

These fees shall be paid at the time the subdivider posts fiscal requirements for his or her subdivision.

- (f) An annual report shall be made by the Director of Public Works to the City Council about the status of the program and the Funds.
- (g) Inspectors shall be loaned to the County as needed to enforce this Chapter and shall be paid from the Dedicated Fund.

Sec. 13-3-630. - 13-3-633. Reserved

PART E. Drainage

Sec. 13-3-634. Natural Drainage and Overland Sheet Flow.

The objective of the subdivision drainage plan shall be to utilize the natural drainage patterns of the area. Overland sheet flow shall be maintained wherever possible and the dispersion of runoff back to sheet flow shall be a primary objective of drainage design for the subdivision, as opposed to concentrating flows in storm sewers and drainage ditches. Drainage design standards shall be implemented based on engineering and environmental considerations to meet the above requirements.

Sec. 13-3-635. Reserved.

PART F. Construction on Steep Slopes

Sec. 13-3-636. Building Foundations on Steep Slopes.

- (a) All building foundations on slopes of fifteen (15) percent gradient and over and on fill placed upon slopes fifteen (15) percent gradient and over must utilize design and construction practices certified by a registered professional engineer qualified to practice in this field.
- (b) No buildings shall be constructed on slopes in excess of thirty-five (35) percent gradient.

Sec. 13-3-637. Reserved.

PART G. Roadways

Sec. 13-3-638. Roadway Locations.

- (a) Roadways, whether public or private, shall not be constructed on terrain with a gradient of greater than twenty-five (25) percent except where it is necessary to do so in order to provide primary access to an area of terrain with slope of less than twenty-five (25) percent gradient and which contains at least five (5) lots or which contains sufficient area for at least five (5) lots. In determining whether a roadway should be placed on a slope of over twenty-five (25) percent gradient, factors to be taken into consideration shall include the size of the area of less than twenty-five (25) percent gradient proposed to be accessed, distance over which the roadway shall be on a slope of greater than twenty-five (25) percent gradient, and the availability of alternative roadway alignments which would eliminate or minimize the amount of roadway located on slopes of greater than twenty-five (25) percent gradient.
- (b) Roadway locations shall be based on the need to preserve topographic features and to minimize to the maximum extent feasible the construction of roadway cuts and fills as well as a professional engineering analysis of generally accepted geometric standards for vehicular and pedestrian safety.

Sec. 13-3-639. Clearing for Roadways.

- (a) Clearing for road construction shall not be permitted before final plat approval. Minimal clearing for the

purposes of surveying and testing may be permitted, however, provided significant natural ground cover is not removed.

- (b) Roadway clearing width within a subdivision shall not exceed twice the roadway surface width or the width of the dedicated right-of-way, whichever is less. Right-of-way widths shall not be increased to provide additional clearing under this provision. Such roadway clearing width may be varied by the Planning Commission where, in the Commission's opinion, unusual topographic conditions necessitate such a variance. Clearing for short run road (300 feet or less) construction problem areas may be increased to two and one-half times the roadway width, right-of-way permitting. In cases where, due to slopes, clearing activities would normally result in cleared materials sliding onto areas beyond the clearing widths specified above, retaining walls or other methods shall be utilized to prevent such sliding.

Sec. 13-3-640. Cut and Fill for Roadways.

Cut and fill sections for roadways shall not exceed allowable roadway clearing widths.

Sec. 13-3-641. Roadway Standards.

- (a) Street right-of-way widths established under Sec. 13-3-83 of this Chapter may be varied by the Planning Commission for areas located outside the City limits within the Lake Austin Watershed after the Commission has considered:
 - (1) Reports from the Directors of the Departments of Public Works and Urban Transportation in which the adequacy of proposed alternative widths have been assessed;
 - (2) The developer's written justification for the variance; and,
 - (3) The developer's preliminary plans of the streets proposed to be built under the proposed variance.
- (b) The requirement of this Chapter for curbs and gutters in urban subdivisions may be waived by the Planning Commission for areas in the Lake Austin Watershed after the Commission has considered reports from the Directors of the Departments of Public Works and Urban Transportation in which the adequacy of proposed alternatives to satisfying the needs for storm drainage, traffic safety and the general public welfare shall be assessed.
- (c) Roadway standards, other than pavement and construction standards, may be varied by the Planning Commission for

areas located within the Lake Austin Watershed after the Commission has considered:

- (1) Reports from the Directors of the Departments of Public Works, Urban Transportation, and Environmental Management, in which the adequacy of proposed alternative standards have been assessed;
 - (2) The developer's written justification for the variance; and,
 - (3) The developer's preliminary plans for the streets proposed to be built under the proposed variances.
- (d) Low density alternative urban street standards, as provided by Section 13-3-155 through 13-3-159 of this Chapter may be used in the Lake Austin Watershed.

Sec. 13-3-642. Completion of Roadways.

The length of time between roughcutting and final surfacing of roadways may not exceed eighteen (18) months. If an applicant does not meet this deadline, the Director of Public Works shall notify him in writing that the City will complete the streets or revegetate the disturbed area at his expense unless he does so within sixty (60) days after the date of the notice.

Sec. 13-3-643 - 13-3-645. Reserved.

PART H. Driveways

Sec. 13-3-646. Location and Design.

Every lot shall be reasonably accessible by vehicle from the roadway to the probable building site. For a minimum travel distance of twenty-five (25) feet from the roadway edge, the driveway grade may exceed fourteen (14) percent only with specific approval of surface and geometric design proposals by the Director of the Public Works Department or his designee. This required specific approval by the Director of the Public Works Department or his designee shall be so noted on the subdivision plat with approval to be obtained when specific driveway plans are submitted by the builder to the Public Works Department.

Sec. 13-3-647. Joint-Use Driveways.

A joint-use driveway may be utilized to access up to eight (8) lots, as an alternative to a public or private street. For joint-use driveways, paving width shall be no less than sixteen (16) feet. Such driveways may utilize a design speed

no lower than ten (10) mph. The Planning Commission shall consider recommendations from the Departments of Public Works and Urban Transportation on driveway grades and length for each site prior to approving a joint-use driveway. The use of joint-use driveways does not eliminate the requirement of adequate road frontage for each lot. The joint use driveways shall be shown on the preliminary plan. A note shall be placed on the final plat indicating the lots utilizing the joint use driveways for access and prohibiting access to such lots except by way of the joint use driveways.

Sec. 13-3-648. Reserved.

PART I. Erosion and Sedimentation Control

Sec. 13-3-649. Purpose.

The volume, rate, and quality of stormwater run-off originating from development must be controlled to prevent soil erosion and water quality degradation in the Lake Austin Watershed. Stormwater transported sediment is of primary concern because it provides a transport medium for contaminants and because excessive sedimentation can increase the dangers of flooding by reducing channel capacity and can also severely impact the vegetation and ecosystem of the waterways.

Sec. 13-3-650. Site Disturbance Prior to Plat Approval.

Work done on the ground in preparation of final plat approval shall be limited to surveying and testing. Areas cleared for surveying and testing shall not exceed a width of fifteen (15) feet.

Sec. 13-3-651. Cut and Fill.

- (a) No fill on any lot or other land within the subdivision shall exceed a maximum of four (4) feet of depth except as approved by the Director of the Public Works Department in the areas designated on the preliminary and final plats as permanent on-site spoils disposal sites. Fill placed under foundations with sides perpendicular to the ground, or with pier and beam construction, need not comply with this requirement.
- (b) Except for structural excavation, no cut on any lot or other land within the subdivision shall be greater than four feet. For the purposes of this subsection, structural excavation means excavation required for construction of building foundations, but shall not include cuts for private or public roads or driveways

where structural side-slope stabilization (containment) is proposed.

- (c) In all cases, slopes generated by cut and fill shall be stable, giving full consideration to soil characteristics and erosion potential. Techniques to be used are to be specified with the final plat. Slopes exceeding a 3 to 1 ratio must be stabilized by permanent structural means (e.g., dry stack walls, terraces, exposed aggregate concrete walls, etc.).

Sec. 13-3-652. Compliance with Control Measures.

- (a) Erosion and sedimentation controls as specified in the Erosion and Sedimentation Control Manual, (dated September 28, 1982) are required for all construction and development in the Lake Austin Watershed, including but not limited to, commercial, multi-family, single-family and duplex construction. Moreover, the construction of all roads, utilities, parks, golf courses, impervious cover, water quality and detention basins; and all other activities utilizing clearing, trenching, grading, or other construction techniques shall comply with the Manual.
- (b) Final construction plans shall be accompanied by a proposed construction sequence to demonstrate an acceptable plan for erosion control during the construction period and restoration of the land after the construction period and shall be submitted to the Department of Public Works and Department of Environmental Resources Management for review. All measures for erosion control and restoration shall be performed in accordance with the Erosion and Sedimentation Control Manual.
- (c) Projects shall not be considered complete until restoration has been made, the required vegetation established, and certified by the Public Works Department for acceptance as installed.

In the event the City accepts maintenance responsibility for the streets, drainage facilities and utilities prior to completion of restoration requirements, a separate and enforceable agreement to ensure completion of all restoration requirements shall be entered into by the City of Austin and the developer.

- (d) After two (2) days written notice to the person holding approval of the plat or plan, modifications from the approved erosion control and construction sequencing plans may be made in the field if the City inspector deems the controls or sequencing inappropriate or inadequate and has confirmed his/her findings with the

Director of Public Works and the Director of the Environmental Management Department, and has their written approval.

Sec. 13-3-653. Protection of Large Trees.

The tree survey specified in subsection 13-3-616(i) of this division shall be submitted to the City arborist for his evaluation and recommendation to the Planning Commission prior to preliminary plan approval by the Commission. Removal of trees having a trunk circumference of sixty (60) inches or more measured four and one-half (4½) feet above natural grade level as a result of subdivision development must be approved by the Planning Commission. The Commission shall approve the removal of such trees when such trees are so located as to prevent reasonable access to the property or as to preclude reasonable and lawful use of the property. The Planning Commission shall have the authority to grant variances from the strict application of this Chapter as may be appropriate and necessary to save any such trees and which will not otherwise be detrimental to the public health, safety or general welfare.

Sec. 13-3-654. - 13-3-655. Reserved.

PART J. Spoil Disposal

Sec. 13-3-656. Temporary Site Disturbances.

Clearing for the temporary storage of spoils or construction equipment shall be designated on the construction plans and shall be restored in accordance with the Erosion and Sedimentation Control Manual. The topsoil should be protected against erosion during and after the site grading operations. Where practical, the existing vegetation should be left in place or be replaced by a better grade of ground cover to protect existing or new topsoil against erosion.

Sec. 13-3-657. Location of Spoil Sites.

Spoil disposal sites shall not be located within the one-hundred (100) year flood plain or on slopes greater than twenty (20) percent gradient unless the Planning Commission finds that a necessary public benefit is derived from the use of the spoil. Such benefits may include, but are not limited to:

- (a) Roadways approved as part of a roadway plan for the area.
- (b) Stormwater detention facilities, after consideration of reports from the Public Works Department and the Environmental Management Department.

- (c) Public or private park sites, after consideration of reports from the Environmental Management Department and the Parks and Recreation Department.

Sec. 13-3-658. Access to Spoil Sites.

Spoil disposal sites shall be located such that reasonable access to the site is available. Access routes shall utilize existing and approved roadways wherever possible and shall not be located within waterways except where no reasonable alternative is available, or when used to construct water quality and/or peak-shaving detention basins. Plans should address the restoration of such access roads and basins.

Sec. 13-3-659. Restoration of Spoil Sites.

Restoration shall be carried out in conformance with the Erosion and Sedimentation Control Manual, with particular emphasis on the section entitled Standards for Land Grading.

Sec. 13-3-660. Reserved.

PART K. Other Requirements

Sec. 13-3-661. Sanitary Sewer Line Location.

It is the intent of this section to assure that waterways are preserved in their natural state except under limited circumstances. The fragile nature of the waterways within the basin make them inherently inappropriate for use as the location for wastewater lines. While waterways may be the most economical location for sewer lines, in this case environmental constraints require that alternative locations be utilized whenever possible. This will entail the use of increased numbers of lift stations as total gravity systems may not be feasible.

Sewer lines shall not be located in waterways except upon approval of a variance from this section by the Planning Commission which shall be considered pursuant to an environmental assessment from Environmental Resource Management and the applicant evaluating the environmental impacts of alternative sewer alignments. At the request of Environmental Resource Management the applicant shall examine and evaluate alignments proposed by Environmental Resource Management prior to the Planning Commission hearing on the variance request. Approval or denial of the variance shall be based solely on the environmental impacts of the alternatives. Economic considerations should not be a significant factor. In the event it is concluded the wastewater line should be in the waterway it shall be located outside of the two (2) year flood plain.

Sec. 13-3-662. Individual On-site Wastewater Systems.

Residential lots utilizing individual on-site wastewater systems shall be at least one (1) acre in size and shall either have at least one-half ($\frac{1}{2}$) acre of contiguous land with slope of less than fifteen (15) percent gradient or have at least three-quarters ($\frac{3}{4}$) of an acre of contiguous land with slope of less than twenty-five (25) percent gradient. All other development utilizing on-site wastewater systems or collective systems shall comply with the requirements of this Chapter concerning same.

Sec. 13-3-663. Package Treatment Plants.

Projects utilizing wastewater package treatment plants for sewage disposal shall have at least eight-thousand (8,000) square feet of irrigated land per living unit. No irrigation shall be allowed on slopes of greater than twenty (20) percent gradient or in the one-hundred (100) year flood plain.

The applicant shall apply for an irrigation permit from the State meeting a TSS/BOD standard of no more than 15/15 or such more restrictive standard as the State may impose. Package treatment plants shall have one hundred (100) days of storage capacity available in the event of wet weather conditions or plant failure. No irrigation shall take place during wet weather conditions.

PART 2. That Sections 13-3-28, 13-3-30(n), and 13-3-116 through 13-3-126 of the Austin City Code of 1981 be and are hereby deleted from said Code in their entirety. Section 13-3-5.1 of said Code is expressly saved from repeal and shall remain in effect.

PART 3. If any provision, section, subsection, sentence, clause or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof or provisions, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this ordinance are declared to be severable for that purpose.

PART 4. WHEREAS, the necessity to preserve the water quality of Lake Austin and the environmental integrity of the Lake Austin Watershed creates an emergency calling for immediate action to preserve the peace, health, safety and general welfare of the public, an emergency is hereby declared to exist; therefore, the rule requiring that ordinances be read on three separate days is hereby suspended, and this ordinance

shall become effective immediately upon its adoption as provided by the Charter of the City of Austin.

PASSED AND APPROVED

March 1, 1984

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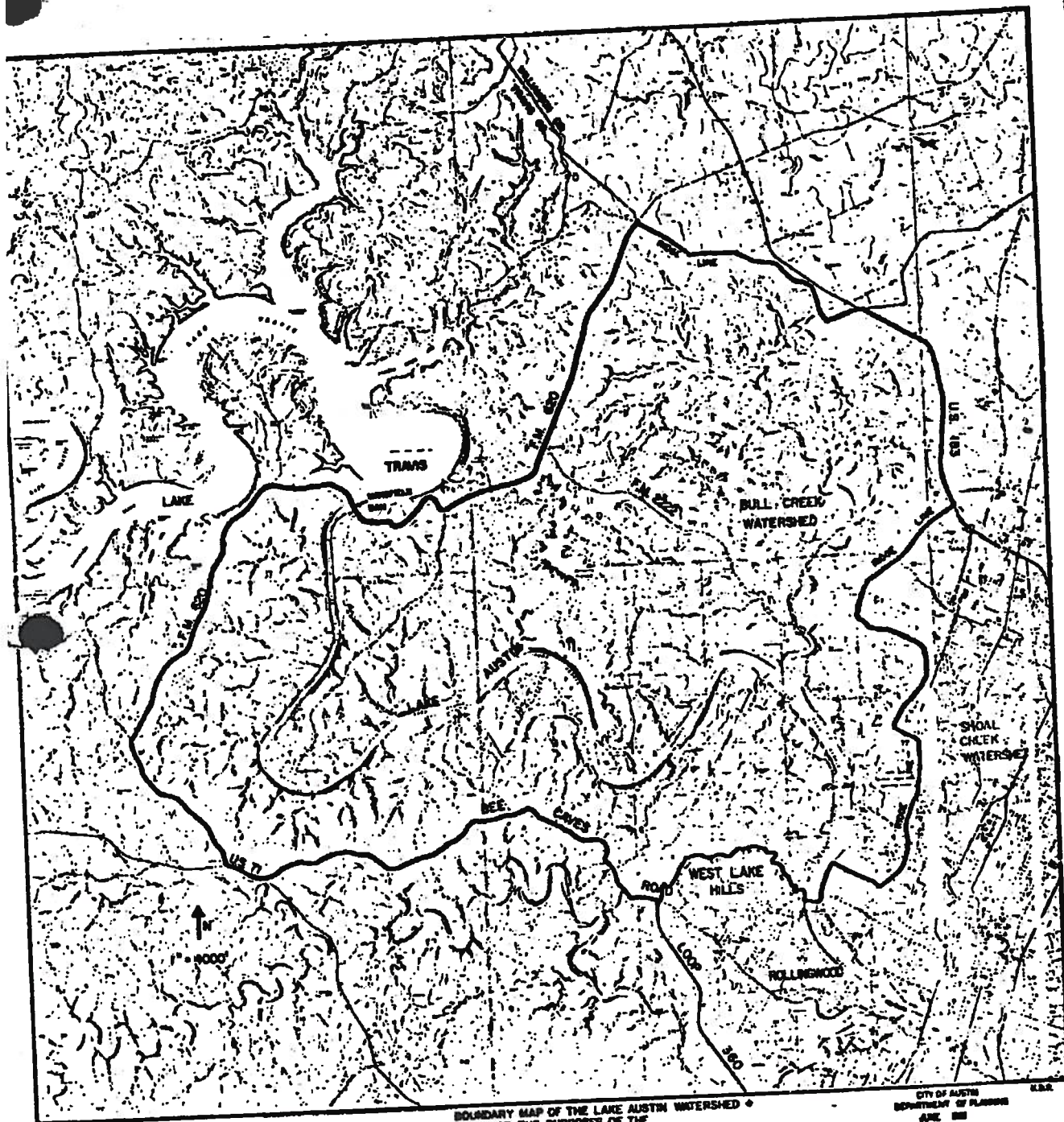

Ron Mullen
Mayor

APPROVED:


Paul C. Isham
City Attorney

ATTEST:


James E. Aldridge
City Clerk



"THE TERM 'LAKE AUSTIN WATERSHED' IS NOT MEANT OR INTENDED TO ENCOMPASS THE LAKE AUSTIN WATERSHED IN ITS ENTIRETY, BUT ONLY THAT PORTION OF THE LAKE AUSTIN WATERSHED AS SHOWN HEREIN."

BOUNDARY MAP OF THE LAKE AUSTIN WATERSHED •
FOR THE PURPOSES OF THE
LAKE AUSTIN GROWTH MANAGEMENT ORDINANCES
AS CONTAINED IN CHAPTERS 15-3 OF THE AUSTIN CITY CODE

9-10

CITY OF AUSTIN
DEPARTMENT OF PLANNING
JUNE 1988

D.S.R.

EXHIBIT "A"

AFFIDAVIT OF PUBLICATION

THE STATE OF TEXAS
COUNTY OF TRAVIS

Before me, the undersigned authority, a Notary Public in and for the
County of Travis, State of Texas, on this day personally appeared:

Susana Martinez,

Classified Advertising Agent of the Austin American-Statesman, a daily
newspaper published in said County and State, who being duly sworn by
me states that the attached advertisement was published in said newspaper
on the following dates, to wit:

March 13, 1984

and that the attached is a true copy of said advertisement.

Susana Martinez

SWORN AND SUBSCRIBED TO BEFORE ME, this the 14th

Day of March A.D. 198 4.

Denise Hegel
Notary Public in and for
TRAVIS COUNTY, TEXAS

